



Government of **Western Australia**
Department of **Commerce**

Building
Commission

Class 1a Housing Applications

Standardised Processing Manual

Building Commission

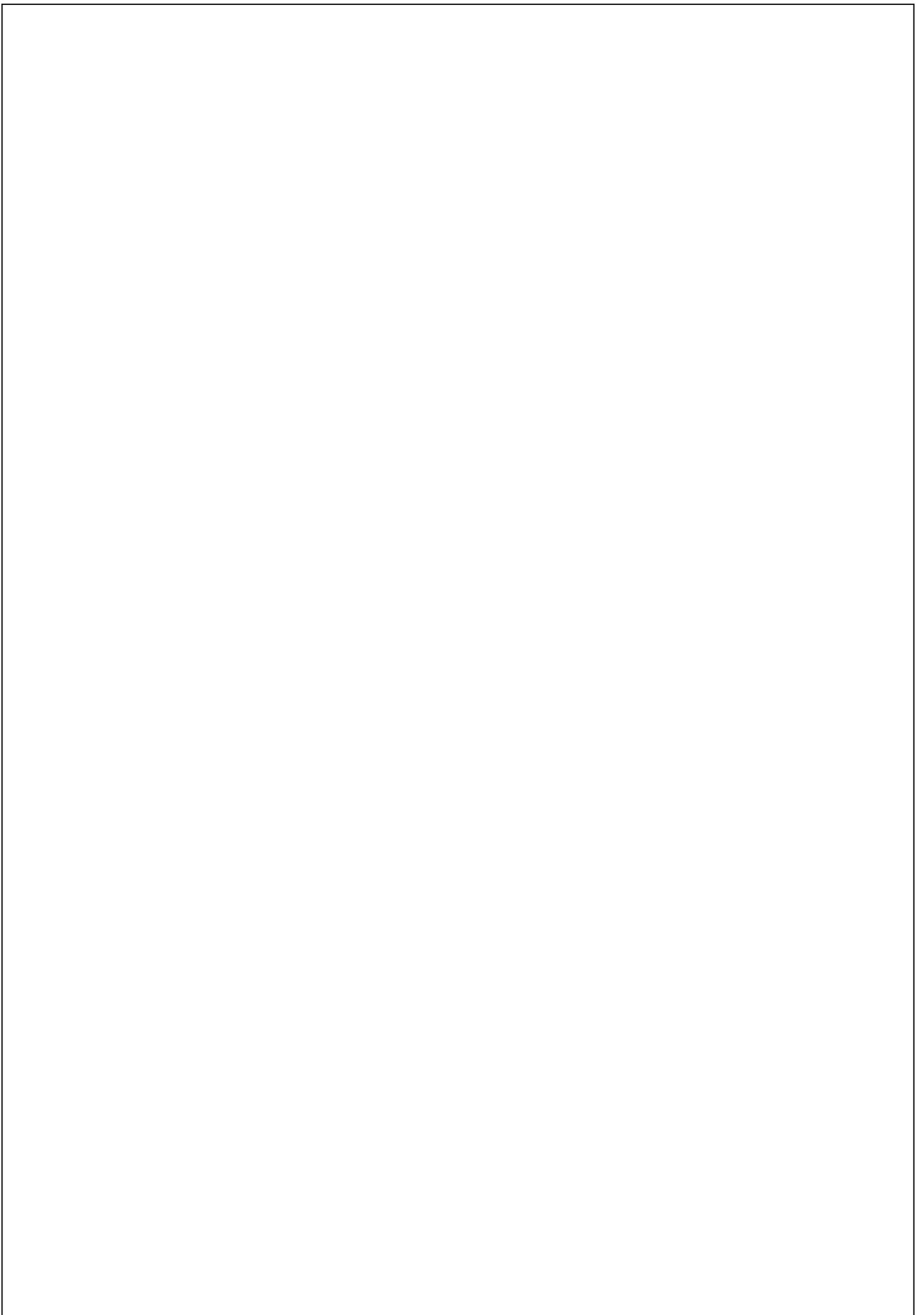
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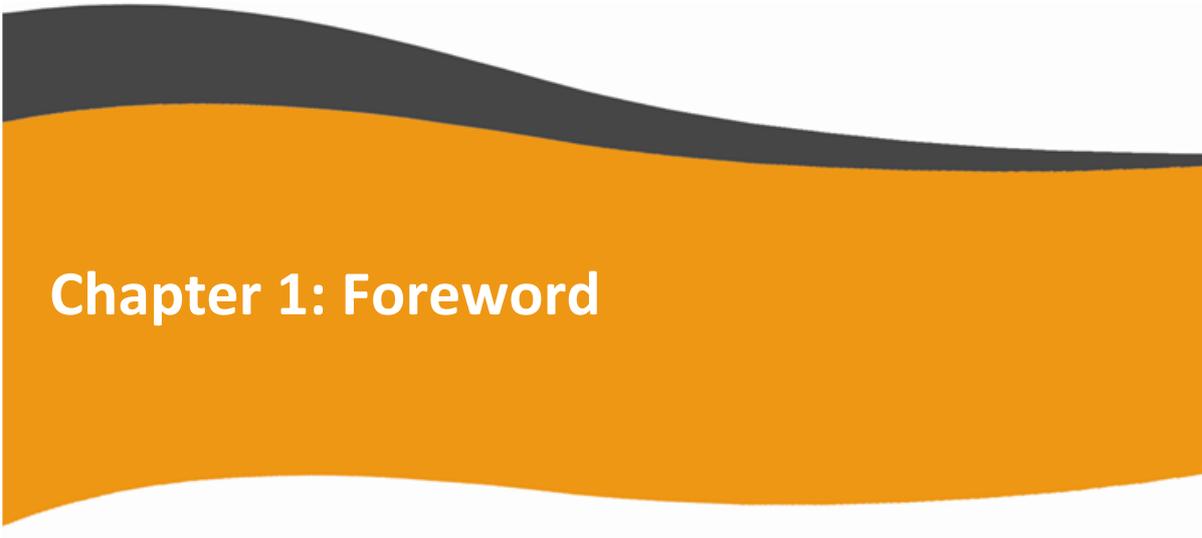
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Chapter 1: Foreword

1. Foreword

This manual has been developed in partnership with project home builders and local government authorities for the use of local government authority officers. It sets out a standardised processing requirements for local government under the *Building Act 2011* (the Act) when dealing with certified and uncertified applications for approvals for new class 1a buildings.

The State of Western Australia warrants that the processes in this manual meet the requirements of the *Building Act 2011* for processing certified and uncertified applications for class 1a buildings.

This manual has effect from 1 July 2012 and should be used to process compatible applications received before that date.

Any certified or uncertified application that is made in accordance with this manual and lodged with a local government must be processed in accordance with this manual.



Chapter 2: Introduction

2. Introduction

2.1. Reading this Manual

This manual provides builder applicants and local government staff with agreed, consistent and legally sound processing requirements for building approvals for new class 1a buildings under the *Building Act 2011*. Each chapter in the manual provides relevant information to either builder applicants or local governments, as set out in [Table 2-1: Target Audience of Each Chapter](#) below.

Table 2-1: Target Audience of Each Chapter

Chapter	Description	Target Audience
Chapter 1: Foreword	The purpose and application of the standardised process.	Builders and local governments
Chapter 2: Introduction	An overview on the permit application process for class 1a buildings.	Builders and local governments
Chapter 3: Making an Application	Details of the standardised process for making an application.	Builder applicants and local governments
Chapter 4: Certificate of Design Compliance	Details of the standardised process for assessing compliance of an uncertified application and signing a certificate of design compliance.	Local government building surveyors
Chapter 5: Processing an Application	Details of the standardised process for processing an application.	Local governments
Chapter 6: Certification Services	An overview of how a local government may provide a certification service.	Builders and local governments

Application Key Terms

Application Made: An application is made when the applicant (usually the builder for project homes) lodges it with the local government. Further information on making an application is available at [Chapter 3](#).

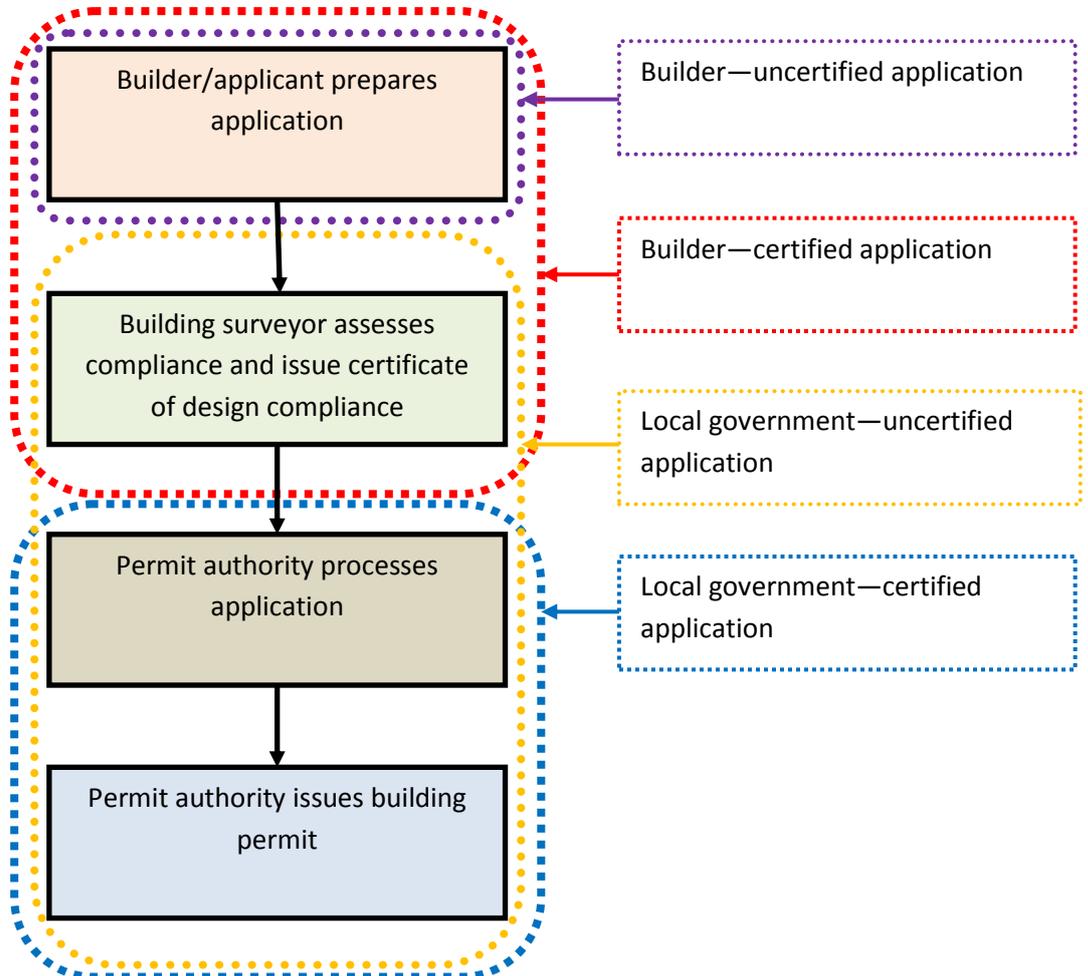
A local government may offer a preliminary “front counter” vetting of a proposed application to ensure the application is complete. If items are missing the local government may suggest that the application is not lodged until the missing items are provided. The applicant can choose to lodge or not lodge the application, but the local government must not refuse to accept an application.

Granted: A building permit is granted once all checks have been undertaken by the local government and the local government is satisfied that the application is in accordance with the *Building Act 2011* and its regulations.

Refused: A building permit may be refused when the local government is not satisfied that the application is in accordance with the *Building Act 2011* and its regulations.

Deemed Refused: An application is deemed refused if the local government has not considered the application within the prescribed time limit. The local government must continue to process the application.

2.2. Overview of Application and Approvals Process



2.3. Roles and Responsibilities

[Table 2-2: Roles and Responsibilities](#) sets out the roles and responsibilities for [permit authorities](#), [local governments](#), [building surveyor practitioners](#), [building surveyor contractors](#), [builders](#), [owners/applicants/agents](#) and the [Building Commission](#) in dealing with standardised applications.

Table 2-2: Roles and Responsibilities

Person	Roles and Responsibilities
Permit authorities	<p>The permit authority functions for a local government to process a standardised application are:</p> <ul style="list-style-type: none"> • Issue of permits within prescribed time limits (10 business days for a certified building permit application and 25 business days for an uncertified building permit application). • Notify applicants within 5 days of decision of refusal to grant a permit. <p>Other functions of a local government are set out in the separate section titled <i>local governments</i>.</p>
Local governments	<ul style="list-style-type: none"> • Certification services. <u>There is no prescribed time limit or fee for the provision of this service.</u> • Planning and other approvals. • Advice and information. • Crossovers, use of verges, protection of pedestrians and traffic, etc.
Building Surveying Practitioner	<ul style="list-style-type: none"> • Interpretation and certification of building standards. • Sign certificate of design compliance. • Endorsement of each plan and specification that accompanies a certificate of design compliance.
Building Surveying Contractor	<ul style="list-style-type: none"> • Issuing of Certificates of Design Compliance. • Provide optional additional services to clients, e.g. assistance with obtaining required approvals, assessment with R-Codes, etc.

Person	Roles and Responsibilities
Builders	<ul style="list-style-type: none"> • Ensure that the building or structure is completed in accordance with the plans and specifications and the Building Permit. • Ensure that no work affecting other land is undertaken without consent or court order. • Give Notice of Completion to the permit authority, within 7 days, when building work has been completed. • Give Notice of Cessation to the permit authority, within 7 days, if builder ceases to be responsible for the work. • Ensure all required approvals are in place prior to work commencing
Applicants (which may be the builder for standardised applications)	<ul style="list-style-type: none"> • Lodgement of permit application with all required supporting documents. • Provide further information to the permit authority if requested. • Obtain all required approvals prior to lodgement of a certified permit application. • Obtain all required approvals prior to issue of a building permit for an uncertified permit application. • Appoint new builder in the event previous builder ceases work prior to completion of building work.
Building Commission	<ul style="list-style-type: none"> • Registration of builders and building surveyors • Keep a public register of registered building service practitioners and building service contractors • Provide and facilitate a complaint resolution process. • Building Commissioner can make a declaration to not apply or modify a building standard in relation to a particular building or class of buildings. • Keep a register of every declaration made by the Building Commissioner and make it available for public inspection. • Auditing. • Inspections. • Investigations.

2.4. Application Types

A standardised application for a building permit can be made as a certified application or an uncertified application.

- **Certified application** – A certified application has all the certification of building standards completed prior to the application being lodged. A certificate of design compliance, signed by a registered building surveyor is lodged with the application
- **Uncertified application**– For uncertified applications the certification of building standards has not been undertaken. The permit authority must arrange for the plans and specifications lodged with the application to be certified by a registered building surveyor.

2.5. Local Government Certification Service

Local government authorities may choose to provide a certification service to their community. Applicants may directly approach the local government for a certificate of design compliance to accompany a certified application, occupancy permit application or building approval certificate application. This service is in addition to the prescribed role to assess an uncertified application for a building permit. This commercial service is not regulated by the *Building Act 2011* and there is no prescribed fee for this service. [Chapter 6](#) of this manual explains certification services in more detail.



Chapter 3: Making an Application

3. Making an Application

3.1. Making an Application

The *Building Act 2011* sets out the requirements for making an application. The builder/applicant must ensure that it has included all the relevant information in an application to allow the local government to process the application. These requirements are set out in s. 16 – Making an application

Information on local government processing requirements in s.20 are set out in Chapter 5.– Processing an Application

3.2. When is an Application Made?

An application for a building permit can be submitted in a variety of ways—in person, by post, by email or by electronic lodgement depending on the systems in place at the relevant local government authority.

The time a local government has for assessing an application starts on the day after the application is made or the day on which planning approval is given, whichever is the later. The time at which the clock starts depends on how an application is submitted.

3.2.1. By Post

When making an application by post, the time starts the first full day after the application is deemed to be received at the offices of the local government in the normal course of delivery provided by the postal service paid for by the applicant.

By Post Example

An applicant posts an application at 3:00 pm on Tuesday through Australia Post. The post box is located in the same city as the local government. As the mail should be received by the local government authority on the Wednesday, the clock will start from Thursday, 12:00 am.

3.2.2. In Person

When making an application in person, it is deemed ‘made’ once it has been left with the front counter staff of the local government. The clock starts from 12:00 am of the following day.

In Person Example

An applicant brings an application to the front counter of the local government on a Thursday and leaves it with the front counter staff. The clock starts ticking at 12:00 am on the Friday.

A local government may offer an informal check of applications being lodged at the front counter. This may include a preliminary check that all information is provided and that the application complies with the requirements of section 16. The front counter staff may assess that the application is incomplete and suggest to the applicant that the applicant takes the application away to correct it and resubmit. If the applicant takes up this suggestion then the application is not lodged at all. If, however, the applicant insists that the application be received and lodged then the local government must accept it. The clock starts ticking the day after acceptance.

3.2.3. Electronically (email/online)

When submitting by email or other online means, the application is made once it has been received by the local government SMTP server. This should have a date/time stamp. The clock starts ticking from 12:00 am the day after the application is made.

Electronically (email/online) Example

An application is received through the local government's email system. It is date/time stamped when it is received by the local government SMTP server at 3:46 pm on a Monday. The clock starts at 12:00 am on the Tuesday.

3.3. Provision of Owner Builder Information

An owner-builder may submit a standardised application for a building permit for a class 1a building.

Since the commencement of the *Building Services (Registration) Act 2011* on 29 August 2011, individuals who are owners of land must apply to the Building Services Board (BSB) for approval to carry out 'owner-builder work' on their land prior to a permit being issued by local government.

'Owner-builder work' is prescribed in the Building Services (Registration) Regulations 2011 as being:

- a detached house; or
- a class 10 building (such as a shed, etc); or
- a small commercial building.

The BSB is administered by the Building Commission. The BSB has the responsibility to assess owner-builder applications and, if approved, to issue the owner-builder with an approval letter. The approval letter is not a building permit. It is the responsibility of the owner-builder to provide a copy of this approval letter to the permit authority when applying for a building permit.

An owner-builder can lodge a certified or uncertified application. Where an owner-builder wishes to lodge a certified application, it can approach a local government authority or private registered building surveyor to provide certification of the plans and specifications. As this is not a prescribed function of the *Building Act 2011*, local government authorities are not obliged to meet a request for certification service.

Further information on owner-builders, including a fact, guidelines and application forms, are available from the Building Commission website.

3.4. Drawings and Specifications

The drawing and specifications to be submitted for the standardised process are set out in the checklist and table 3-1 section (h).

The drawings and specifications must provide at least the following details—

3.4.1 Plans

General note: All plans and details must be legible, drawn to scale and include the Lot address and Lot owner details. For paper applications only, two (2) complete sets of all documents must be submitted with your application.

Site plan (minimum scale 1:200) Please supply a current fully dimensioned Contour and Feature Survey Diagram (must be certified by a Licensed Land Surveyor) showing:-

- North point, permanent datum point, contours, spot levels and features.
- All property boundaries, boundary dimensions and all existing buildings including finished floor levels.
- Locations and heights (levels top and bottom) of stabilised embankments e.g. retaining wall/s.
- Verge and road features including crossover, kerbs, traffic islands, footpaths, trees, stormwater grates & services etc. and any existing damage to these features.
- Distance from the property boundaries to the proposed structure.
- Finished Floor Level of proposed structure.
- Height and extent of proposed earthworks.
- Location and method of stormwater disposal.
- Proposed vehicular off street parking and access and new or amended crossover.
- Location of any easement, any piped service traversing the site, sewer connection.

Floor plan (minimum scale 1:100)

- All dimensions of the proposed building(s).
- Room names.
- Sunken areas and finished floor level.
- Location of windows and doors showing their sizes.
- Smoke detector location(s).
- Ridge, valley, eaves line and downpipe locations.

Elevations (minimum scale 1:100)

- Proposed finished floor levels (including sunken areas) and ground levels.
- Location and dimensions of doors and windows (including direction of opening).
- Height of ceiling.
- Roof pitch.
- Roof frame details, including zero lot line walls and fire protection method.
- Types of materials used.
- Type of subfloor structure e.g. concrete footing and slab or frame.

3.4.2 Specifications

General note: Two (2) complete specifications must be submitted.

3.4.3 Structural Engineering Details

Site report

- Site Classification as per the BCA (soil and wind).
- Recommendations for earthworks, foundations and drainage.

Footing and Slab Detail

- Concrete specifications.
- Footing and slab dimensions.
- Reinforcement size and location and waterproof membrane location.

Structural Beams

- To avoid excessive deflection, structural beams should be certified by a Structural Engineer registered on the National Professional Engineers Register.

Retaining Wall

- Drawing (including cross-section) and specifications of materials to be used.
- Show existing and proposed finished ground levels.
- Profile and structural components.
- Provision for drainage.
- Details of any surcharge or superimposed loads.

Two Storey Construction

- All structural elements.

Table 3-1: Submitting a Building Permit Application—Certified and Uncertified

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
(a)	<p>Approved Form</p> <p>Must be made in an approved manner and form. The form must be filled out completely and correctly.</p>	<p>The approved form is BA01 for certified applications and BA02 for uncertified applications. Electronic lodgement automatically uses an approved form.</p> <p>The forms are available at: www.buildingcommission.wa.gov.au.</p>	<p>Correct form used.</p>
(b)	<p>Owner</p> <p>Must name, and be signed by, each owner of the land on which the building or incidental structure is to be located.</p>	<p>An agent or attorney can sign on behalf of an owner. If the builder or other agent has signed on behalf of the owner then proof of the agreement that an agent can sign for the owner should be attached to the application. If it is not the permit authority may ask for it.</p> <p>Purchasers under a contract for sale can also sign as owner, but should attach a copy of the contract.</p> <p>Evidence of signatures that can be relied upon:</p> <ul style="list-style-type: none"> • Original form with wet signature • E mail attachment of a copy of the signed form; • Faxed copy of the signed form; • Photocopy of the signed form. 	<p>Each owner is named and has signed.</p> <p>Authority to sign on behalf of owner attached if relevant or for electronic lodgement.</p>

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
(c)	<p>Builder</p> <p>Must name, and be signed by, the person who proposes to be named as the builder on the building permit.</p>	<p>The correct registered name of the building contractor must be used rather than a trading name.</p> <p>If the builder is a corporation the application can be signed by an officer or agent of the corporation. A permit authority may rely on the person signing on behalf of a corporation as having apparent authority to sign without further checking.</p> <p>Evidence of signatures that can be relied upon:</p> <ul style="list-style-type: none"> • Original form with wet signature • E mail attachment of a copy of the signed form; • Faxed copy of the signed form; • Photocopy of the signed form. <p>If the builder is using an electronic lodgement system provided by the local government, the <i>Electronic Transactions Act 2011</i> requires the system to identify the person whose signature is required and to indicate the person's approval of the information communicated. This should automatically apply to local government systems.</p> <p>If an owner-builder, approval from the Building Services Board must be attached to the application.</p>	<p>The builder is named correctly.</p> <p>The form is signed by someone with authority.</p> <p>[Note—it is the registered building contractor that is being identified, not the nominated supervisor.]</p> <p>Owner-builder approval letter if relevant.</p>

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
(d)	<p>Prescribed Information</p> <p>Must provide prescribed information about the building or incidental structure and the persons mentioned in paragraph (b) or (c).</p>	<p>The prescribed information is contained in the application form (which is why it is important for the form to be filled out completely and correctly). The following information is prescribed:</p> <ul style="list-style-type: none"> • the address of the property on which the building or incidental structure is, or is to be, located; and • the intended use of the building or incidental structure; and • the postal address and telephone number or other contact details of the person proposed to be named as the builder; and • if the application is for builder work, the registration number of the person as a building service contractor under the <i>Building Services (Registration) Act 2011</i> or the number of the owner-builder approval given under the <i>Building Services (Registration) Act 2011</i>. 	Information is provided.

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
(e)	<p>Certificate of Design Compliance</p> <p>If a certified application, must be accompanied by a certificate of design compliance for the building or incidental structure that is the subject of the application that is signed by a registered building surveyor and complies with s.19.</p>	<p>A certificate of design compliance submitted as a separate document must be on form BA03.</p> <p>A certificate of design compliance in an approved “stamped form” can be stamped on one of the drawings or on the specification.</p> <p>A certificate of design compliance in an approved “CAD form” can be included on a CAD drawing.</p> <p>Samples of the approved “stamped form” and “CAD form” are available at: www.buildingcommission.wa.gov.au</p>	<p>Certificate of design compliance attached and signed.</p>
(f)	<p>Plans and Specifications</p> <p>If a certified application, must be accompanied by the plans and specifications that are specified in the certificate of design compliance for the building or incidental structure that is the subject of the application.</p>	<p>Plans and specifications will be specified in the certificate. There is no prescribed set of plans or specifications for certified applications.</p>	<p>Drawings and specifications specified in the certificate of design compliance.</p>
(g)	<p>Technical Certificates</p> <p>If a certified application, must be accompanied by a copy of each technical certificate signed by a specialist that the building surveyor has relied on to sign the certificate of design compliance.</p>	<p>No technical certificates are prescribed.</p> <p>This section has no effect.</p>	<p>Not required.</p>

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
(h)	<p>Plans and Specifications</p> <p>If an <i>uncertified application</i>, must be accompanied by the plans and specifications for consideration by a building surveyor under s.17.</p>	<p>Drawings (to scale not less than 1:100) showing —</p> <ul style="list-style-type: none"> • a plan of every storey; • all elevations of external fronts; • one section, transverse or longitudinal; • the heights of each storey; • depth of foundations; • floor levels; • levels of ground; • construction of the walls, floors and roofs. <p>A site plan (to a scale not less than 1:500) showing —</p> <ul style="list-style-type: none"> • street names, lot number, and title reference to the site with the north point clearly marked; • the size and shape of the site; • the dimensioned position of proposed new building and of any existing buildings on the site; • the relative levels of the site with respect to the street or way adjoining; • the position and size of any existing sewers and existing stormwater drains; • the position of street trees, if any, between the site and the roadway; <p>Specifications describing materials to be used in the construction and, where not indicated on the drawings, the sizes thereof.</p>	<p>Prescribed drawings attached.</p> <p>Additional details provided.</p>

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
(i)	<p>Technical Certificates</p> <p>Must be accompanied by each technical certificate that is prescribed to accompany the application.</p>	<p>No technical certificates are prescribed.</p> <p>This section has no effect.</p>	Not required.
(j)	<p>Home Indemnity Insurance</p> <p>Must be accompanied by evidence that the applicable provisions of the <i>Home Building Contracts Act 1991</i> requiring insurance or corresponding cover have been satisfied.</p>	<p>A policy of insurance must be in place.</p> <p>Evidence of insurance can be a cover note issued by an insurer or an insurance broker or a copy of the policy.</p> <p>This must be provided with a certified application.</p> <p>It can be provided during the processing period for an uncertified application prior to a building permit being issued.</p>	<p>Cover note or insurance policy attached.</p> <p>OR</p> <p>Note attached to uncertified application to confirm when cover note or insurance certificate will be provided.</p>
(k)	<p>Building Services Levy</p> <p>Must be accompanied by evidence that the applicable provisions of the regulations mentioned in the <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7 Division 2 requiring payment of a building services levy have been satisfied.</p>	<p>Ensure the application is accompanied by a payment of 0.09% of the value of building work but not less than \$40.50.</p> <p>Refer regulation 12(2) and 18 of the Building Services (Compliant Resolution and Administration) Regulations 2011.</p>	<p>Cheque attached.</p> <p>OR</p> <p>Copy of a credit card receipt issued by the permit authority attached.</p> <p>OR</p> <p>Evidence of an electronic funds transfer attached.</p>

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
(l)	<p>Building Permit Fee</p> <p>Must be accompanied by the prescribed fee, if any, for the application.</p>	<p>The fees prescribed in Schedule 2 Division 1 of the Building Regulations 2012 are 0.19% for certified applications and 0.32% for uncertified applications.</p>	<p>Cheque attached.</p> <p>OR</p> <p>Copy of a credit card receipt issued by the permit authority attached.</p> <p>OR</p> <p>Evidence of an electronic funds transfer attached.</p>
(m)	<p>Other Prescribed Things</p> <p>Must be accompanied by each other thing that is prescribed to accompany the application.</p> <p>The things that are prescribed that are relevant to new class 1a buildings are:</p>		
	<p>Work Affecting Other Land</p> <p>The work affecting other land may be an encroachment or an adverse effect.</p> <p>These are extremely rare in new class 1a buildings.</p>	<p>Encroachment</p> <p>Encroachment is extremely rare for new class 1a buildings.</p> <p>If the application contains a statement signed by a registered builder, building surveyor, architect or engineer that no encroachment applies then the Permit Authority must be satisfied that no such effect will occur.</p> <p>If the building work involves an encroachment, provide a completed for BA20 or a copy of the relevant court order as evidence that the relevant consent or court orders are in place.</p> <p>Adverse Effect</p> <p>Adverse effect is extremely rare for new class 1a buildings.</p>	<p>Attach a statement signed by a registered builder, building surveyor, architect or engineer that no encroachment applies.</p> <p>If there is an encroachment attach a copy of BA20 or a court order.</p> <p>Attach a statement signed by a registered builder,</p>

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
		<p>If the application contains a statement signed by a registered builder, building surveyor, architect or engineer that no adverse effect applies then the Permit Authority must be satisfied that no such effect will occur.</p> <p>If the building work will cause an adverse effect, provide a completed for BA20 or a copy of the relevant court order as evidence that the relevant consent or court orders are in place.</p>	<p>building surveyor, architect or engineer that no adverse effect applies.</p> <p>If there is an adverse effect attach a copy of BA20 or a court order.</p>
	<p>Prescribed Authority</p> <p>The relevant authorities are for septic tanks and for planning approval.</p>	<p>Evidence of the prescribed authorities is only required to be submitted with a certified application for a new class 1a building. If evidence of the prescribed authorities is not provided when an uncertified application is lodged the builder/applicant must state when the evidence of the prescribed authorities is to be provided.</p> <p>Septic Tanks</p> <p>Septic tank approval is not normally required for new class 1a buildings. It will be clear from the drawings that septic tanks are required, and only in that case should the applicant obtain approval from the local government</p> <p>A copy of the local government approval under the <i>Health Act 1911</i> s.107(2)(a) must be attached if relevant.</p> <p>Planning</p> <p>Formal development approval is required by some local governments. In most cases new class 1 buildings will be covered by R Codes requirements.</p> <p>If a development approval (DA) has been obtained from the local government a copy of the DA must be</p>	<p>Statement that evidence of prescribed authorities is not being provided with an uncertified application.</p> <p>Copy of septic tank approval if relevant.</p> <p>Copy of development approval if relevant.</p> <p>Copy of R Codes Consent if relevant.</p>

Submitting a Building Permit Application—Certified and Uncertified			
Section 16: Making an Application			
Section	Requirement	Explanation	Checks
		<p>attached.</p> <p>If local government consent has been obtained under the provisions of the R Codes a copy of the consent must be attached.</p> <p>Houses that comply with the acceptable development provisions of the R Codes do not need local government planning approval.</p> <p>If the application contains a statement signed by a registered builder, building surveyor, architect, engineer or planner that the proposal complies with the acceptable development provisions of the R codes, then the Permit Authority must be satisfied that no planning assessment is required.</p>	<p>Statement that the proposal complies with the R codes signed by a registered builder, building surveyor, architect, engineer or planner the Permit authority must consider this in determining R codes compliance.</p>
	<p>Alternative Solutions</p> <p>Details of each alternative solution to a building standard.</p>	<p>These will normally be shown as details on the relevant drawings, or described in the specification.</p>	<p>Details of alternative solutions shown on the drawings.</p>



Chapter 4: Certificate of Design Compliance

4. Certificate of Design Compliance

This section sets out the process for obtaining a certificate of design compliance in order to submit a certified application or as part of an uncertified application.

4.1. Certified Applications

To submit a certified application the builder/applicant must get the plans and specifications checked by an appropriately registered building surveyor. The builder/applicant can choose the building surveyor, so long as the building surveyor is independent of the builder or the owner.

Details of registered building surveyors can be obtained from the Building Commission website.

Building surveying services can be obtained from a building surveyor in private practice (a “building surveyor contractor”) or through a local government certification service (see Chapter 6).

The building surveyor will complete and sign the approved certificate of design compliance (Form BA03) and specify in it the drawings and specifications that demonstrate how the building complies with the building standards.

Alternatively the building surveyor may stamp the approved “stamp form” of certificate of design compliance on one of the drawings or on the specification and mark the drawings and specification that demonstrate how the building complies with the building standards to link them to the certificate of design compliance.

Alternatively the building surveyor may include on CAD drawings submitted electronically the approved “CAD form” of certificate of design compliance and mark the drawings and specifications that demonstrate how the building complies with the building standards to link them to the certificate of design compliance.

4.2. Uncertified Applications

By submitting an uncertified application the builder/applicant makes the local government choose the building surveyor. This is normally an employee of the local government, but the local government may contract any appropriately registered building surveyor if it wishes.

The building surveyor appointed by the local government must assess the plans and specifications submitted with the uncertified application to determine whether the proposed building will comply with the building standards. ***This assessment process sits outside of the standardised process for checking whether an application is correct in accordance with s. 20 that is described in Chapter 5.***

4.2.1 Requests for Information

The standard set of drawings that accompany a standardised application for a new class 1a building should provide sufficient detail for the building surveyor to assess compliance. Houses with unusual features or methods of construction, or placed on unusual or difficult sites may require more details or supporting information so that the building surveyor can assess compliance.

The builder/applicant must anticipate the needs of the building surveyor and provide sufficient information with the application to allow it to be assessed.

If information required for assessing compliance with the building standards is missing from the application the building surveyor appointed by the local government must ask the applicant to provide the information instead of refusing to sign a certificate of design compliance.

When requesting information, the building surveyor appointed by the local government must use the most efficient process available. The information should be requested by telephone or email. A request should only be sent by normal post if there is no more rapid alternative available.

If the prescribed or agreed time is close to expiry and the applicant has not provided the information requested, the building surveyor may ask the local government to make a formal s.18 request. The local government may then prescribe the time in which the additional information must be provided. The time prescribed by the local government must not exceed 21 calendar days.

If the further information is provided within the time prescribed by the local government, the local government then has a further 25 business days to consider the application, starting on the day after the further information is received. The local government must give priority to an application where further information has been requested under s. 18 and received.

If a decision is not made within the prescribed time limit, the local government must refund any application fee. The local government must proceed to determine the application as quickly as possible. ***It is not acceptable simply to allow time to run out and then return the application without determining it.***

4.2.2 Amendments to Submitted Plans and Specifications

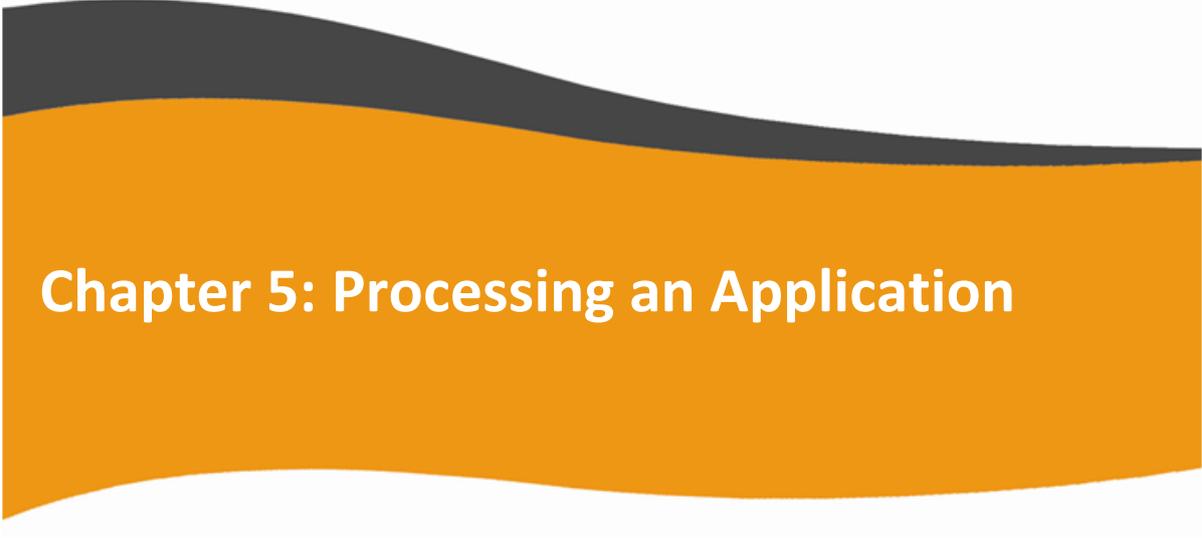
As an alternative to requesting additional information, the building surveyor appointed by the local government may amend the plans and specifications by marking up changes on the documents, or by making a separate list of things to be added, removed or changed in order to demonstrate how the proposed building will meet the relevant building standards.

The certificate of design compliance will apply to the amended plans and specifications.

The building surveyor appointed by the local government must use this simple amendment process where possible to speed up processing of standardised applications.

4.3. Alternative Formats for Certificate of Design Compliance

The Building Regulations 2012 will be amended to allow for drawings and specifications to be stamped (for paper drawings) or endorsed (for CAD drawings) to reference them to the relevant certificate of design compliance, as an alternative to setting out the drawing and specification details on the certificate. The tables in Chapter 3 and Chapter 5 note that these alternative forms are acceptable.



Chapter 5: Processing an Application

5. Processing an Application

This section sets out the standardised process for assessing a building permit application for a new class 1 building. The *Building Act 2011* specifies the requirements about which a local government must be satisfied in order to grant a building permit. [Table 3-1: Building Permit Application—Certified and Uncertified](#) outlines what those requirements are in each case, as well as providing the possible stage (when receiving or processing an application) in the application process where the requirement may be considered.

In general, s.16 (for building permit applications) deals with what the applicant must have completed prior to the lodging the application while s.20 (building permit application) deals with those issues that a local government will need to check in order to grant a permit or building approval certificate.

5.1. Local Government Responsibilities

As a permit authority, it is the responsibility of a local government to grant a building permit. A permit must be granted where the local government is satisfied that all of the requirements for a permit have been satisfied.

These requirements include:

- Ensuring that the application has been made in the correct manner and by the appropriate persons.
- That all necessary documentation has been included and where required, signed by suitably qualified persons.
- That all other approvals have been sought, written laws and policies complied with and notifications given such as those in [Box 5-1: Other Legislation to Consider](#).

Box 5-1: Other Legislation to Consider

The Building Regulations 2012 prescribe other authorities and notifications required under other legislation that may need to be considered when assessing an application for a building permit. The prescribed authorities and notifications relevant to a new class 1a building are listed in regulation 18 under the following legislation:

1. [Planning and Development Act 2005](#).
2. [Health Act 1911](#).

In addition to this, the following legislation may need to be considered

3. [Home Building Contracts Act 1991](#)
4. [Building Services \(Complaint Resolution and Administration\) Act 2011](#) (Building Services Levy).
5. Construction Training Fund - [Building and Construction Industry Training Levy Act 1990](#).

It is also the responsibility of the local government to ensure that it meets legislated timeframes.

5.2. Timeframes for Considering an Application

5.2.1 Certified Applications for Building Permits

For certified applications, the prescribed time limit is 10 business days unless the applicant and the local government agree to another time limit. The prescribed time for the permit authority to assess the application commences the first business day after an application is made.

If necessary information set out in this standardised process is missing from the application the local government may ask the applicant to provide the information as an alternative to refusing the application.

When requesting information, the local government must use the most efficient process available. If the applicant has provided a telephone number and email address, the information should be requested by telephone or email. A request should only be sent by normal post if there is no more rapid alternative available.

If the prescribed or agreed time is close to expiry and the applicant has not provided the information requested, the local government may make a formal request for information using the process in s. 18. The local government may then prescribe the time in which the additional information must be provided. The time prescribed by the local government must not exceed 21 calendar days.

If the missing information is not provided within the time prescribed by the local government in the s. 18 request, the local government may refuse the application.

If the further information is provided within the time prescribed by the local government, the local government has a further 10 business days to consider the application, starting on the day after the further information is received.

If a decision is not made within the prescribed time limit, the local government authority must refund any application fee. The local government must proceed to determine the application as quickly as possible. It is not acceptable simply to allow time to run out and then return the application without determining it.

Table 5-1: Maximum Timeframe for Certified Applications

Applications	Initial timeframe (business days)	Further Information (calendar days)	Timeframe after further information received (business days)
Certified application	10	Up to 21	10

5.2.2 Uncertified Applications for Building Permits

For uncertified applications, the prescribed time limit is 25 business days from when the application is lodged, or from whenever planning approval is granted, whichever is the later, unless the applicant and local government agree to another time limit. This allows more time for a building surveyor appointed by the local government to consider how the proposed building meets the building standards to sign a certificate of design compliance. The prescribed time for the permit authority to assess the application commences the first business day after an application is made.

If information required for the standardised process is missing from the application the local government may ask the applicant to provide the information instead of refusing the application.

When requesting information, the local government must use the most efficient process available. The information should be requested by telephone or email. A request should only be sent by normal post if there is no more rapid alternative available.

If the prescribed or agreed time is close to expiry and the applicant has not provided the information requested, the local government may make a formal s.18 request. The local government may then prescribe the time in which the additional information must be provided. The time prescribed by the local government must not exceed 21 calendar days.

If the further information is provided within the time prescribed by the local government, the local government then has a further 25 business days to consider the application, starting on the day after the further information is received. The local government must give priority to an application where further information has been requested under s. 18 and received.

If a decision is not made within the prescribed time limit, the application is 'deemed refused' and the local government authority must refund any application fee. The local government must proceed to determine the application as quickly as possible. It is not acceptable simply to allow time to run out and then return the application without determining it.

5.3. Information Needed to Sign the Certificate of Design Compliance

The building surveyor appointed by the local government to assess the application and sign the certificate of design compliance may need extra information to determine compliance with the building standards. This is set out in Chapter 4. When requesting information, the local government must use the most efficient process available. The information should be requested by telephone or email, must be done as soon as the lack of the particular information has been recognised, and must not use the s. 18 request for further information. A request should only be sent by normal post if there is no more rapid alternative available.

Only where the building surveyor believes that the information is not being provided in a reasonable time should the building surveyor ask the local government to use the formal s. 18 process for requesting information.

Table 5-2: Maximum Timeframe for Uncertified Applications

Applications	Initial timeframe (business days)	Further Information (calendar days)	Timeframe after further information received (business days)
Building Permit (uncertified)	25	21	25

5.4. Conditions on Permits

A local government may place conditions on a permit in preference to rejecting an application that has information missing, or where the permit should not come into effect until some subsequent event takes place.

Conditions must be relevant to the particular application, and may not affect or change the certificate of design compliance.

5.4.1 Issue of Permit Before Sale or Title

If an application is made on behalf of an owner whose interest is a contract of sale, then the local government must issue the building permit subject to the condition that it does not come into effect until the sale is settled or titles to the land are issued.

5.4.2 Certificate of Design Compliance for Uncertified Applications

The certificate of design compliance is separate from the building permit. The building permit issued under the *Building Act 2011* allows the applicant to construct the building in accordance with the plans and specifications specified in the applicable certificate of design compliance. A building surveyor appointed by a local government may make changes to the plans and specifications submitted with the application when assessing compliance with the building standards. The certificate of design compliance will include these changes or requirements.

This is the equivalent of the building surveyor placing conditions on a building licence issued under the repealed Part XV of the *Local Government (Miscellaneous Provisions) Act 1960*.

Changes included in the certificate of design compliance cannot be duplicated as conditions on the building permit as the building permit is applicable to the changes already included in the certificate of design compliance.

5.5. Other Local Government Requirements

Local governments may have other requirements under policies, local laws or other laws to control the activities of builders or aspects of building development. These may include verge fees and deposits, hours of work, fencing and protection of building sites and the like.

Because no requirements are prescribed for *Building Act 2011* s. 20(1)(p) or s. 20(1)(q), local governments cannot make compliance with local government policies, local laws or other written laws a condition on a building permit, or refuse to issue a building permit until evidence is given of compliance with local government policies, local laws or written laws.

Compliance with these policies, local laws and other laws is a separate matter of policing by local governments.

Table 5-3 Processing a Building Permit Application—Certified and Uncertified

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(a)	<p>Correct Form</p> <p>That the applicant has complied with s.16.</p>	Covered by checklist for s.16 set out in table 3-1.	See table 3-1.
(b)	<p>Builder</p> <p>That the person mentioned in s.16(c):</p> <p>i) is a building service contractor who is entitled under the <i>Building Services (Registration) Act 2011</i> s.11 to be named as the builder on the building permit; or</p> <p>ii) has owner builder approval under the <i>Building Services (Registration) Act 2011</i> to carry out that work; or</p> <p>iii) is a person or in a class of persons prescribed for the purposes of the <i>Building Services (Registration) Act 2011</i> s.7(2)(c) who may be named as the builder on the building permit, unless the building work is of a kind specified by the regulations.</p>	<p>S.16(c) requires the name and signature of the builder.</p> <p>Evidence of signatures that can be relied upon:</p> <ul style="list-style-type: none"> • Original form with wet signature; • E mail attachment of a copy of the signed form; • Faxed copy of the signed form; • Photocopy of the signed form. <p>If the builder is using an electronic lodgement system provided by the local government, the <i>Electronic Transactions Act 2011</i> requires the system to identify the person whose signature is required and to indicate the person's approval of the information communicated. This should automatically apply to local government systems.</p> <p>The builder must be registered as a building contractor. A list of building contractors is available at: www.buildingcommission.wa.gov.au</p> <p>For owner builders, the approval from the Building Services Board must be attached to the application. More information is available at www.buildingcommission.wa.gov.au</p>	<p>Is the Builder/Owner Builder named and signed.</p> <p>Builder is registered.</p> <p>Owner-builder is approved.</p>

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(c)	<p>Certificate of Design Compliance</p> <p>That a certificate of design compliance for the building or incidental structure that is the subject of the application complies with s.19.</p>	<p>The approved BA03 form has been completed and is attached to the application.</p> <p>OR</p> <p>The approved “stamp form” of certificate of design compliance has been used on the drawings and specifications.</p> <p>OR</p> <p>The approved “CAD form” of certificate of design compliance has been applied to the CAD drawings.</p> <p>The approved forms are available at: www.buildingcommission.wa.gov.au.</p> <p>Evidence of signatures that can be relied upon:</p> <ul style="list-style-type: none"> • Original form with wet signature • E mail attachment of a copy of the signed form; • Faxed copy of the signed form; • Photocopy of the signed form. <p>If the builder is using an electronic lodgement system provided by the local government, the <i>Electronic Transactions Act 2011</i> requires the system to identify the person whose signature is required and to indicate the person’s approval of the information communicated. This should automatically apply to local government systems.</p>	<p>The BA03 form is correct and complete.</p> <p>The “stamp form” is correct and complete.</p> <p>The “CAD form” is correct and complete.</p>

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(d)	<p>Building Surveyor Signed</p> <p>That the building surveyor who signed the certificate of design compliance:</p> <p>i) is entitled under the <i>Building Services (Registration) Act 2011</i> to sign certificates of design compliance for buildings or incidental structures of the kind that is the subject of the application; and</p> <p>ii) is an independent building surveyor in relation to the application.</p>	<p>The certificate of design compliance must be signed by a registered building surveying practitioner.</p> <p>A list of registered building surveyors available at: www.buildingcommission.wa.gov.au</p> <p>Evidence of signatures that can be relied upon:</p> <ul style="list-style-type: none"> • Original form with wet signature • E mail attachment of a copy of the signed form; • Faxed copy of the signed form; • Photocopy of the signed form. <p>If the builder is using an electronic lodgement system provided by the local government, the <i>Electronic Transactions Act 2011</i> requires the system to identify the person whose signature is required and to indicate the person's approval of the information communicated. This should automatically apply to local government systems.</p>	<p>Building surveyor signing the certificate of design compliance is a registered building surveyor practitioner.</p>

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(e)	<p>Building Surveyor Issued</p> <p>That the certificate of design compliance is issued by a person who:</p> <p>i) is a building service contractor who is entitled under the <i>Building Services (Registration) Act 2011</i> s.11 to issue the certificate; or</p> <p>ii) is a person or in a class of persons prescribed for the purposes of the <i>Building Services (Registration) Act 2011</i> s.7(2)(c) who may issue the certificate.</p>	<p>The certificate of design compliance must be issued by a registered building surveying contractor.</p> <p>OR</p> <p>The certificate of design compliance must be issued by the State or by a local government.</p> <p>List of registered building surveying contractors is available at: www.buildingcommission.wa.gov.au</p> <p>Local governments and state government agencies are not required to be registered as building surveying contractors.</p>	<p>Building surveyor issuing the certificate of design compliance is a registered building surveyor contractor.</p> <p>OR</p> <p>The certificate of design compliance is issued by the State or a local government.</p>
(f)	<p>Technical Certificates</p> <p>That each technical certificate mentioned in s.16(i) is:</p> <p>i) signed by a person prescribed as a person who may sign the certificate; and</p> <p>ii) issued by a person prescribed as a person who may issue the certificate.</p>	<p>No technical certificates have been prescribed.</p>	<p>Not required.</p>

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(g)	<p>Encroachment</p> <p>If a part of a building or incidental structure is proposed to be placed beyond the boundaries of the land on which the building work is proposed to be done, that there is compliance with s.76 (encroachments).</p>	<p>This type of effect is extremely rare for new class 1 buildings. If the application contains a statement signed by a registered builder, building surveyor, architect or engineer that no effect applies then the local government must be satisfied that no such effect occurs.</p> <p>Where such an effect does occur the agreement from an adjoining owner to encroach, or a court order, must be detailed in/attached to the application, where relevant. The form is BA20.</p>	<p>Statement from a registered builder, building surveyor, architect or engineer that there is no encroachment.</p> <p>Consent forms (BA20) or court order.</p>
(h)	<p>Adverse Effect</p> <p>If the building work may adversely affect land beyond the boundaries of the land on which the work is proposed to be done, that there is compliance with s.77 (work affecting other land).</p>	<p>This type of effect is extremely rare for new class 1 buildings. If the application contains a statement signed by a registered builder, building surveyor, architect or engineer that no effect applies then the local government must be satisfied that no such effect occurs.</p> <p>If there is an adverse effect the agreement from an adjoining owner to affect their land, or a court order, must be detailed in/attached to the application, where relevant. The form is BA20.</p>	<p>Statement signed by a registered builder, building surveyor, architect or engineer that there is no adverse effect.</p> <p>Consent form (BA20) or court order.</p>

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(i)	<p>Home Indemnity Insurance</p> <p>That either:</p> <ul style="list-style-type: none"> • a policy of insurance is in force in respect of the building work under the <i>Home Building Contracts Act 1991</i> Part 3A Division 2; or • corresponding cover, as defined in the <i>Home Building Contracts Act 1991</i> s.25A, is provided in respect of the building work; or • the policy of insurance mentioned in subparagraph (i) or the cover mentioned in subparagraph (ii) is not required under the <i>Home Building Contracts Act 1991</i> in respect of the building work. 	<p>The applicant must provide a copy of the insurance cover note or policy with the application.</p> <p>If evidence of the cover is not provided the local government may ask for it and specify the time in which it must be provided.</p> <p>Corresponding cover is not currently approved under the <i>Home Building Contracts Act 1991</i>.</p>	<p>Cover note or insurance certificate attached.</p> <p>OR</p> <p>Note attached to uncertified application to confirm when cover note or insurance certificate will be provided.</p>
(j)	<p>Other Insurance</p> <p>That the applicant satisfies any other insurance requirements prescribed by regulation or under any other written law in respect of the building work.</p>	<p>No other insurance requirements have been prescribed or apply under other written laws.</p>	<p>Not required.</p>

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(k)	<p>Building Services Levy</p> <p>That any building services levy required to be paid in respect of the building permit under regulations mentioned in the <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7 Division 2 has been paid.</p>	<p>The application must be accompanied by a payment of 0.09% of the value of building work but not less than \$40.50.</p> <p>Refer regulation 12(2) and 18 of the Building Services (Compliant Resolution and Administration) Regulations 2011.</p>	<p>Cheque attached.</p> <p>OR</p> <p>Copy of a credit card receipt issued by the permit authority attached.</p> <p>OR</p> <p>Evidence of an electronic funds transfer attached.</p>
(l)	<p>CTF Levy</p> <p>If a CTF levy is imposed in respect of the building work that the levy has been paid.</p>	<p>The CTF regulations require payment of the 0.2% of the value of the work at the time of application for a permit. Proof of payment needs to accompany the application. Proof may be, but is not limited to:</p> <ul style="list-style-type: none"> • the applicant's cheque, • a copy of a credit card receipt issued by the permit authority • evidence of an electronic funds transfer. 	<p>Cheque attached.</p> <p>OR</p> <p>Copy of a credit card receipt issued by the permit authority attached.</p> <p>OR</p> <p>Evidence of an electronic funds transfer attached.</p>
(m)	<p>Heritage</p> <p>That the permit authority has complied with the provisions of the <i>Heritage of Western Australia Act 1990</i> in relation to the application and that granting the building permit would not be inconsistent with an order, agreement or permit under that Act except to the extent allowed by that Act.</p>	<p>This will not apply to new class 1 buildings.</p>	<p>Not applicable.</p>

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(n)	<p>Prescribed Authority</p> <p>That the applicant has obtained in relation to the building work each authority under a written law that is prescribed for the purposes of this paragraph.</p>	<p>The authorities prescribed under the Building Regulations 2012 relevant to new class 1a buildings are:</p> <ul style="list-style-type: none"> • Approval of septic tanks under the <i>Health Act 1911</i> s.107(2)(a). • Planning approval under the <i>Planning and Development Act 2005</i> s.162 . <p>If the application contains a statement from a registered building surveyor that the building complies with the acceptable development provisions of the R Codes the local government must not subject the application to a separate planning approval.</p>	<p>Check if location has sewers and no septic tanks are needed.</p> <p>Check for type of development approval required.</p> <p>Copy of septic tank approval from local government.</p> <p>Copy of development approval.</p> <p>Copy of R Codes consent from the local government.</p>
(o)	<p>Compliance with Prescribed Authorities.</p> <p>That the applicant has complied or is complying with each authority mentioned in paragraph (n).</p>	<p>The permit authority needs to be satisfied that the applicant has complied with each authority mentioned in (n).</p> <p>If the application contains a statement signed by a registered builder, building surveyor, architect, engineer or planner that the proposal complies with the acceptable development provisions of the R codes, then the local government must not subject the application to a separate planning approval.</p>	<p>Copy of septic tank approval from local government.</p> <p>Copy of development approval.</p> <p>Copy of R Codes consent from the local government.</p>
(p)	<p>Written Laws</p> <p>That the applicant, in relation to the building work, has complied or is complying with each provision of a written law that is prescribed for the purposes of this paragraph.</p>	<p>No other laws have been prescribed.</p>	<p>Not applicable.</p>

Processing a Building Permit Application—Certified and Uncertified			
Section 20(1): Grant of Building Permit			
Section	Requirement	Explanation	Checks
(q)	<p>Local Government Policies</p> <p>That the applicant, in relation to the building work, has complied or is complying with each provision of a local government policy or requirement, not being a written law, that is prescribed for the purposes of this paragraph.</p>	No local government policies or requirements have been prescribed.	Not applicable.
(r)	<p>Notifications</p> <p>That each notification that is prescribed for the purposes of this paragraph to be given in relation to the building work has been given.</p>	No notifications relevant to new class 1a buildings have been prescribed.	Not applicable.
(s)	<p>Other Requirements</p> <p>That the applicant has complied with each other prescribed requirement for the granting of a building permit on the application.</p>	No other requirements relevant to new class 1 buildings have been prescribed.	Not applicable.



Chapter 6: Certification Services

6. Certification Services

6.1. What is a Certification Service?

From the commencement of the *Building Act 2011*, applicants may lodge a certified building permit application. A certified building permit application should include a certificate of design compliance signed by a registered building surveyor and stating that the building will comply with each building standards that applies to it.

In addition to their prescribed role as a permit authority (including considering uncertified and certified building permit applications), local governments **may choose** to provide a certification service to the community where they provide the certificate of design compliance. Under the *Building Act 2011* this is a separate service to issuing permits and its provision is a decision for the local government authority to make.

6.2. Scope of Certifying Service

There is no set fee or prescribed time limit for providing a certifying service.

6.3. Providing a Certification Service

As a building certifier, a local government authority may issue certificates of design compliance. In providing this service, a local government authority must meet the same requirements as any other body enabled to provide certification services. Under s7(2)(a) of the *Building Services (Registration) Act 2011*, a local government authority is exempt from the requirements to be a registered building service contractor outlined in s(7)(1) of that Act.

An applicant may lodge a set of drawings and specifications with a local government for the local government to provide a certificate of design compliance, arrange for the correct completion of the building permit application form and then process the application as a certified application under section 14 of the *Building Act 2011*. This can be considered as a request for certifying services. The local government may charge whatever fee it determines for the certificate of design compliance and correct completion of the building permit application form, and may take whatever time is necessary, but when the applications is lodged it must process the application within the time prescribed for a certified application for the prescribed fee.

Unless an applicant presents a complete application for a certified application for a certified application service or an uncertified application service the local government is entitled to consider any lodgement of drawings and specifications for approval as a request for certifying services. A local government authority should explain the two-stage process, the local government's policy and fees for the certifying service, and the options available to use a private certifier to lodge a certified application, or where appropriate, the right to lodge an uncertified application.

No prescribed time limits apply to a request for certification services before the stage of lodging the completed form for a certified application. The local government can ask for more information, or require certificates from specialists, as required to complete the certificate of design compliance of the application form. The prescribed time limits, and other formal requirements for certified applications, apply once the completed application form is lodged. Having provided certification

services it is unlikely that the local government authority acting as permit authority will need to ask for more information, or refuse the formal application, once it is lodged.

