

Certificates of occupancy

A guide to assist with issues relating to certificates of occupancy

Effective 1 October 2020



Queensland
Government

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Purpose

The purpose of this guideline is to provide guidance to local governments, building certifiers, building owners and other stakeholders about information to be included in a Certificate of Occupancy (CofO), formerly referred to as a Certificate of Classification (CofC) and where these certificates should be displayed.

This guideline is made under section 258 of the *Building Act 1975* (BA). Section 258 provides for guidelines to be made to help achieve compliance with the Act. Section 133A of the BA requires a building certifier to have regard to any guideline made under section 258 that are relevant to performing building certifying functions.

Background

The National Construction Code (NCC) is a performance-based code containing all Performance Requirements for the design, construction and performance of buildings throughout Australia. Compliance with the NCC can be achieved by meeting the performance requirements. Performance requirements can be met by complying with the deemed-to-satisfy provisions in the NCC, by formulating a performance solution (previously referred to as an alternative solution), or by a combination of deemed-to-satisfy and performance solutions.

Like the NCC, the Queensland Development Code (QDC) is also performance based and allows for performance solutions to be developed. Performance solutions apply in the QDC the same way that performance solutions apply in the NCC – they provide a method of compliance with the respective performance requirements.

Performance solution is defined under the BA and means a material, system, method of building or other thing, other than the following, intended to be used by a person to comply with relevant performance requirements:

- (a) if the relevant performance requirements are under the BCA—a building solution under the BCA that complies with the deemed-to-satisfy provisions under the BCA for the performance requirements
- (b) if the relevant performance requirements are under the QDC—an acceptable solution under the QDC for the performance requirements.

In many cases, performance solutions include restrictions or limitations on how a building can be used. Owners, occupiers and enforcement agencies may have been unaware of performance solutions, limitations or restrictions applying to a building because this information was not required to be displayed.

To address this issue, changes were made to the BA which came into effect on 23 April 2008. Now performance solutions, including any restrictions on the use of the building, must be recorded on a CofO.

For CofO's given on or after 1 July 1997, where all or part of the building is occupied, the owner must conspicuously display the current CofO issued by the building certifier as near as practicable to the building's main entrance. This will provide owners, occupiers and enforcement agencies with concise and practical information about the building.

It will also help to ensure the ongoing use of a building and future modifications do not compromise compliance with the performance requirements.

Legislation

The following legislation is applicable.

Building Act 1975

- Section 103 provides the requirements for certificates of occupancy.
- Section 108A requires the display of the CofO, other than for a single detached class 1a building and class 10 building or structure, where the certificate was given after 1 July 1997.
- Section 114A requires the owner of a building to comply with a restriction or requirement mentioned on the CofO.

Information for building certifiers about the requirements for certificates of occupancy

After a building certifier has inspected a building and is satisfied that it complies with the relevant requirements of the BA, they must provide the owner of the building with a CofO. The CofO must be in the approved form (Building Form 11) and comply with the requirements of section 103 of the BA. The example below will assist building certifiers in complying with this provision.

Example 1 is a scenario for a building with mixed classifications, performance solutions and restrictions relating to its use.

Example 1

A warehouse building incorporating an office has been constructed in accordance with a building development approval which included the use of performance solutions. The building has an 8 metre ceiling height in the warehouse part to accommodate high rack storage. The performance solutions were used to remove sprinklers, extend travel distances to required exits in the warehouse part and to reduce ceiling heights in the office part.

The performance solution includes a smoke detection and alarm system to provide early warning to occupants in the event of a fire. The system is integrated with smoke exhaust fans that operate on activation of the alarm system. The fans are designed to maintain tenable conditions for a sufficient period to allow occupants to safely exit the building. These installations also help to facilitate fire and emergency services intervention.

The performance solutions include limitations and restrictions relating to:

- the storage of materials
- the number of people occupying the building
- attachments to ceilings.

Important note: Example 1 is a purely hypothetical example. Its only purpose is to demonstrate how to complete a CofO. Example 1 does not relate to an actual building or a proposed building. It should not be construed that the technical details of the example comply with the BCA or the QDC.

The sample certificate on the following page indicates how the requirements for the performance solution and restrictions on the use of the building can be recorded.

Form 11 Certificate/Interim Certificate of Occupancy



A Form 11 must be completed to fulfil the requirements prescribed in sections 102(2) and 103 of the *Building Act 1975* for a Certificate of Occupancy.

A Form 11 must also be completed to fulfil the requirements prescribed in section 104 of the *Building Act 1975* for an Interim Certificate of Occupancy.

<p>1. Type of certificate</p> <p>Indicate the type of Certificate of Occupancy being issued.</p> <p>Interim Certificate: Issued pending the carrying out of the inspection, when due to a building's location, it is not practicable for a building certifier to inspect a building to decide if it has been substantially completed.</p>	<p><input type="radio"/> Certificate of Occupancy <input type="radio"/> Interim Certificate of Classification</p> <p>Date Interim Certificate of Occupancy will expire (if applicable)</p> <p>Not applicable</p> <p>DD / MM / YYYY</p>											
<p>2. Owner details</p> <p>If the applicant is a company, a contact person must be shown.</p>	<p>Name (natural person or company)</p> <p>John Citizen</p>											
<p>3. Property description</p> <p>The description must identify all land the subject of the application.</p> <p>The lot and plan details (e.g. SP/RP) are shown on title documents or a rates notice.</p> <p>If the plan is not registered by title, provide previous lot and plan details.</p>	<p>Street address (include number, street, suburb/locality and postcode)</p> <p>1 Jones Street</p> <p>Ashgrove State QL Postcode 4060</p> <p>Lot and plan details (attach list if necessary)</p> <p>Lot 123 on SP45678</p> <p>Local government area the land is situated in</p> <p>Brisbane City Council</p>											
<p>4. Classification</p> <p>The building or part thereof described is classified as follows in accordance with Part A6 of the Building Code of Australia having regard to the use for which it was designed, built or adapted. If a part of the building is classified differently to another part, state the part to which each classification relates.</p>	<table border="1"> <thead> <tr> <th>Part of building/description</th> <th>Class of building/part</th> </tr> </thead> <tbody> <tr> <td>Warehouse part on approved drawing No.1a</td> <td>7b</td> </tr> <tr> <td>Office part on approved drawing No.2b</td> <td>5</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>		Part of building/description	Class of building/part	Warehouse part on approved drawing No.1a	7b	Office part on approved drawing No.2b	5				
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Warehouse part on approved drawing No.1a	7b											
Office part on approved drawing No.2b	5											
<p>5. Maximum numbers of people permitted</p> <p>If applicable, state the maximum number of people permitted in the building and the portion it applies to.</p>	<table border="1"> <thead> <tr> <th>Maximum population</th> <th>Part of building</th> </tr> </thead> <tbody> <tr> <td>20 (twenty)</td> <td>Warehouse part depicted on drawing No.1a</td> </tr> <tr> <td>8 (eight)</td> <td>Office part depicted on drawing No.2b</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>		Maximum population	Part of building	20 (twenty)	Warehouse part depicted on drawing No.1a	8 (eight)	Office part depicted on drawing No.2b				
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The parts of the building with different classifications should be clearly set out and referenced to plans or approval documents.

6. Restrictions on the use or occupation of the building	Restrictions
<p>If the building work uses a performance solution and or a deem-to-satisfy solution within the meaning of Building Code of Australia or the Queensland Development Code, restricting the use or occupation of the building, state the restriction.</p> <p>For example, a limitation on the use of finishes with the fire hazard properties as defined under the Building Code of Australia.</p> <p>Restrictions may be imposed on the way the building is to be used in this section. The items should be brief and clearly explain what the restrictions or limitations relate to. If there are several complex restrictions it is acceptable to refer to them in a separate document kept in a nominated location in the building.</p>	<p>The following restrictions apply to the use or occupation of the building:</p> <p>The following restrictions apply to the warehouse portion of the building.</p> <p>The following restrictions apply to the building:</p> <ul style="list-style-type: none"> *For restrictions on the number of people permitted to occupy the building refer to Section 5 above. *Materials can be stored in the warehouse portion of the building to a height of X. Any combustible materials stored in the building must be within closed and sealed containers not more than X in volume and be capable of resisting exposure to fire for at least X in accordance with the testing methods under AS X. *No obstructions or materials are to encroach in the areas line marked as paths of travel to required fire exit doors in the warehouse portion of the building. <p>No attachments including light fittings, are to protrude below the finished level of the ceiling in the office portion of the building.</p>

<p>7. Performance solutions</p> <p>If the building work uses a performance solution, state the applicable materials, systems, methods of building, procedures, specifications and other relevant requirements.</p> <p>This will provide building owners and occupiers with a concise and practical explanation of performance solutions that may have some operational implications on the use of the building.</p> <p>This will also help ensure the ongoing use of the building and any future modifications do not compromise compliance with the performance requirements of the applicable building code.</p>	<p>Performance solution requirements</p>		
<p>The following systems and procedures from part of the performance solution:</p>			
<p>Performance solutions have been used for this building to remove sprinklers, allow reduced ceiling heights in the office part of the building and allow extended travel distances to fire exits in the warehouse part.</p> <p>The performance solutions require the following: The installation of an AS X fire detection and alarm system throughout the building to ensure early warning to occupants in the event of a fire. The system is to be integrated with four smoke exhaust fans (in the warehouse portion only) which operate on activation of an alarm. The combined operation of the fire detection and alarm system and smoke exhaust fans are to be tested quarterly. The test results are to be recorded and kept on premises at all times and be readily available for inspection by authorised officers.</p> <p>Paths of travel to required fire exits (as designated on approved drawing No. 1a) are to be line marked in fluorescent yellow, non-slip paint to ensure they are delineated from the general floor of the warehouse. The paths of travel are to be kept continuously clear of any obstruction.</p> <p>The evacuation strategy detailed in the fire engineered solution report dated 8 May 2008 is to be incorporated in the building's fire and evacuation plan and a copy of the fire and engineered solution report kept on premises at all times and be readily available for inspection of authorised officers. Evacuation plans are to be conspicuously displayed along the designated paths of travel as indicated in the fire engineering report.</p>			
<p>The requirements of the performance solutions are to be summarised and recorded here. The items should be brief and provide practical information to inform building owners and occupiers about specific materials, systems, procedures or other matters used in the performance solution. These items may refer to other documents such as evacuation strategies and identify where they are to be located in the building. For example, they may be kept with the building's management office or in the area of the fire indicator panels.</p>			
<p>8. Building certifier</p> <p>If the certifier is a company, a contact person must be shown.</p>	<p>Name of building certifier (<i>in full</i>)</p>		<p>Licence number</p>
<p>Joe Bloggs</p>		<p>A4489</p>	
<p>Signature</p>	<p>Date</p>	<p>Building Approval Reference Number</p>	
<p><i>JBloggs</i></p>	<p>10.06.08</p>	<p>7171.08</p>	

Location of certificates of occupancy

A CofO is required to be conspicuously displayed as near as practicable to the main entrance of all class 1b to 9 buildings. Building owners are responsible for ensuring that this requirement is always met. These requirements do not apply to class 1a buildings (e.g. detached houses, row houses, terrace houses, town houses or villa units) or to class 10 buildings or structures (e.g. private garages or carports).

A CofO should be:

- securely placed in locations where they can be easily read by authorised officers and other occupants of the building
- made of suitably durable materials (weatherproof materials if they are located on the outside of a building)
- if displayed electronically, be connected to a power source that will not be interrupted if there is a power failure or malfunction or failure of the power source. This may require a back-up power source. If displayed electronically, all certificates must always be constantly and concurrently displayed (24 hours a day, every day of the year). It is not acceptable for users to be required to scroll through certificates or to search for a certificate.

The following examples show some options and suitable locations for the CofO for different types of building configurations.

Please note, that for a multi-tenancy building, the term 'building' under the BA can mean the part of the building to which the CofO relates.

Number of certificates

It is preferable for building certifiers to issue one CofO for an entire building. However, in some instances a CofO may be issued for part of a building only and in these instances, where the building certifier does not wish to issue an amended certificate for the entire building, a new CofO may be issued for the relevant part.

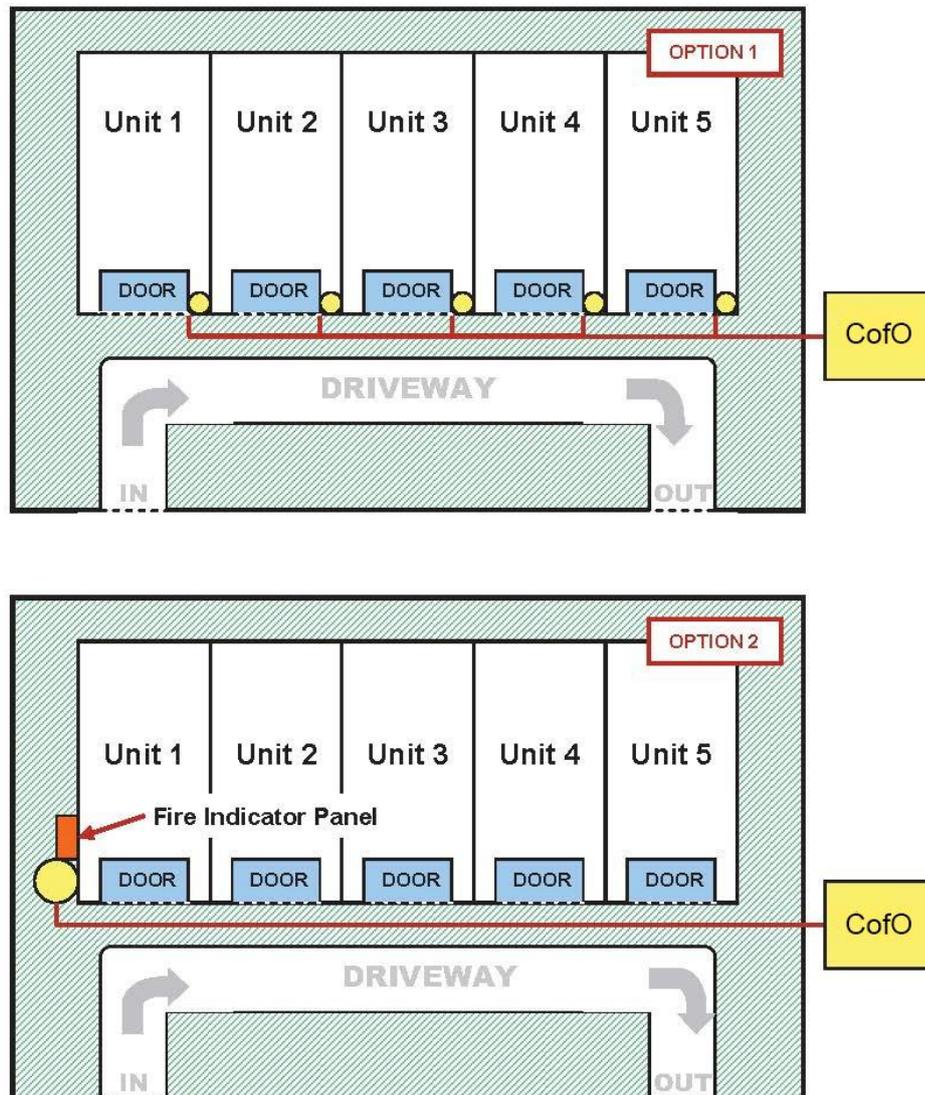
In a multi-tenancy building, if a CofO for the entire building is displayed near the main entrance of the complex, it is generally not necessary for owners of individual units to also display that CofO at their unit. The following examples address this matter in more detail.

Owners obligations

An owner of a building must comply with the requirements and any restriction on the CofO. To achieve this, an owner may place in a rental or lease agreement the requirements of the CofO which must be complied with.

Failing to comply with the requirements of a CofO may result in the local government taking enforcement action against the owner. If the enforcement action is ignored or not complied with, financial penalties may also be imposed.

Example 1: Factory building with individual units (different occupiers and perhaps different owners), each having its own entrance door.



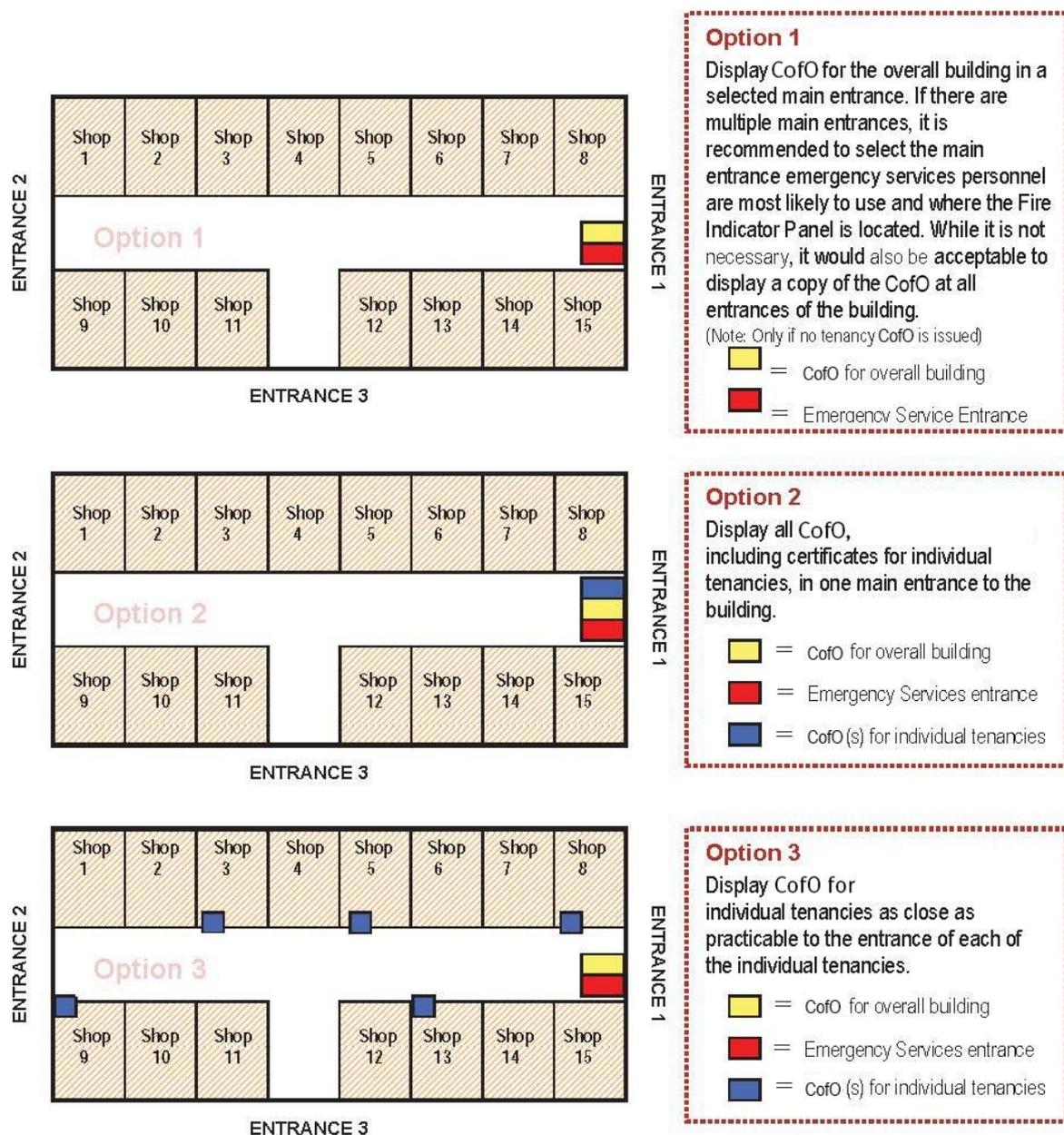
Explanation

The building in example 1 is made up of several units each with their own entrance on the outside of the building. In most cases these types of buildings will have one CofO for the entire building.

Option 1: An owner may choose to display a copy of the CofO in each individual unit as near as practicable to the entrance of the unit.

Option 2: A building owner may also choose to display the CofO in one location on the outside of the building. It is recommended that the CofO be displayed as close as practicable to the entrance of the property and if possible, next to the building's Fire Indicator Panel. If a CofO is located outside the building, the owner must ensure that it is protected from the effects of weather and that it is securely attached to the wall of the building.

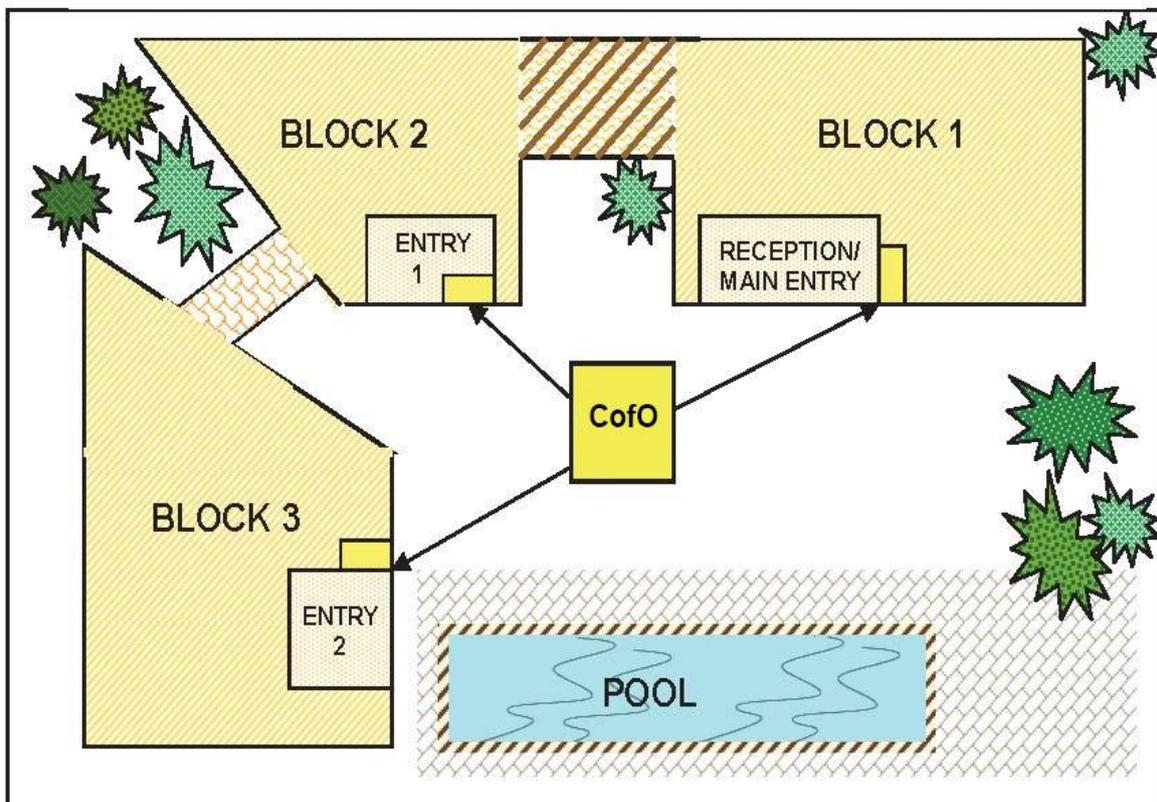
Example 2: Shopping centre with multiple entrances and individual tenancies.



Explanation

The building in example 2 is a typical shopping centre with multiple entrances and several tenancies inside. These types of buildings usually have one CofO for the overall building, however the tenancies are often the subject of individual building development approvals and may also be issued with a separate CofO. Therefore, it is not uncommon to have several CofOs for the building even though building certifiers have the option to issue a new amended whole-of-building CofO when they approve a tenancy fit-out. In these cases, there are different options for displaying the certificates and complying with the requirements of the BA. Some of these options are outlined above.

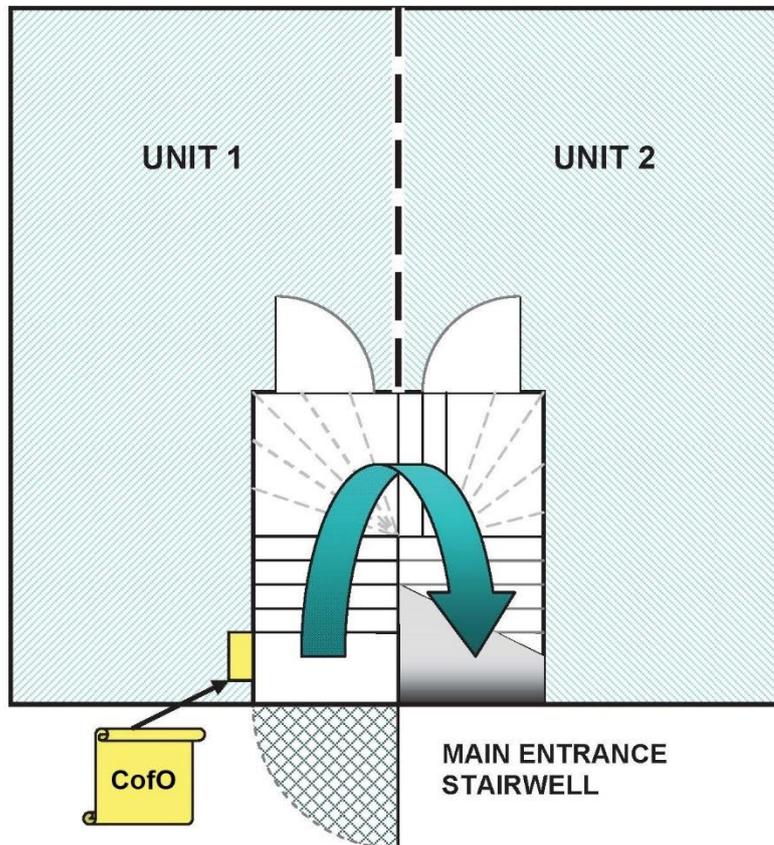
Example 3: Multi-block unit complex with main reception where individual blocks may or may not be joined.



Explanation

In some cases, there may be several buildings on one block of land recorded on a CofO. Even though the certificate covers all of the buildings, a copy must be located near the entrance of each building. This will ensure any specific information relating to each building is available to any authorised officers or occupiers.

Example 4: Single block unit complex (class 2) – both single and multiple storeys with one main entrance.



Explanation

Where a building shares a common stairway or foyer, it is suitable to place the CofO in that area on the ground floor. This will ensure information is readily available to occupants, enforcement agencies or emergency services personnel. For buildings that do not have any common internal space, it is recommended that the CofO be located either on the wall of an undercover car park or on an external wall. As per previous examples, if the CofO is located outside, it is the owner's responsibility to ensure that the document is protected from the effects of the weather and is securely fixed.