

Design compliance declaration – guidance material

As of 1 July 2021, a design compliance declaration (DCD) is required for class 2 building work to ensure that designs comply with relevant standards.

General guidance

A DCD must be made by a registered design practitioner and provided to a registered building practitioner. The building practitioner must provide the DCD to the regulator via the NSW Planning Portal before construction on the design commences.

Each DCD form can only cover a single regulated design.

Practitioners can lodge multiple plans, specifications, and reports if it relates to the same design of a single building element or performance solution.

Ensure all documentation evidence and records are kept. In the event of an audit or investigation, practitioners will be asked to justify any DCD that has been made. Do not submit information that is not requested in this form.

Further information about how to submit this DCD form, by when and by whom and the transitional provisions for work that need to be declared are available in the [Quick Reference Guide](#).

More information on regulated design obligations can be found in the [Design Practitioners' Handbook](#).

Part 1 – Details

Details on page 1 – Address, design practitioner, registered body corporate

Part 1. Details

Please insert the building project address to which this declaration relates

For registered body corporates, give full names of registered individuals and the corporation on behalf of which the declaration is made.

Design practitioner name

Registration number of design practitioner

Class of registration (applicable to this declaration)

Body corporate name (if applicable)

Registration number of body corporate (if applicable)

Email address

Contact number

ABN/ACN

This section of the DCD form requires details of

- the building address for which the DCD relates to,
- the registered individual design practitioner, including their name, registration number, class of registration, email address and contact number, and
- the registered body corporate design practitioner (if applicable). **Note:** only list a body corporate on this form if it is registered under the DBP Act and the individual design practitioner is making the DCD on the body corporate's behalf. If a body corporate is listed in part 1 of this form, then the same body corporate should also be listed in part 2 of the form.

The DBP legislation generally holds individual practitioners accountable for actions regulated under the [DBP Act](#).

A registered body corporate design practitioner must ensure that any individual that provides a DCD on its behalf has the appropriate registration under the DBP Act to make that declaration.

Details on page 2 – Regulated design

This section of the form requires details of the regulated design so it is clear what building work is being declared, and what the DCD relates to.

Details on page 2 Question 1 (Q1).

Q1. Is this a regulated design prepared for a (P) performance solution for building work?

- ☐ Yes, (also includes a building element, proceed to Question 2)
- ☐ Yes, (only for a performance solution, proceed to Question 3)
- ☐ No, (proceed to Question 2)

Select yes (first box) if the regulated design is prepared for a performance solution for building work (including a building element).

Select yes (second box) if the regulated design is prepared for a performance solution for building work without a building element.

Select no (third box) if the regulated design is not prepared for a performance solution for building work.

Refer to [Design Practitioners Handbook](#) Section 7.8 for an example of a performance solution that does not need to be declared.

Details on page 2 Question 2 (Q2).

Q2. Is this a regulated design prepared for a building element for building work? If yes, please select one

- ☐ (F) Fire safety systems
- ☐ (W) Waterproofing
- ☐ (L) Load-bearing
- ☐ (B) Building enclosure
- ☐ (S) (Building) services

Select which building element(s)

- Fire safety systems,
- Waterproofing,
- Load-bearing components (structural),
- Building enclosures,
- Building services - mechanical, plumbing, electrical and vertical transportation

Examples of regulated design categories, which building elements they relate to and the design practitioners that may typically declare them can be found in the [Design Practitioners Handbook](#) and [Regulated Design Guidance Material](#)

Details on page 2 Question 3 (Q3).

Q3. The design compliance declaration (DCD) number is made up of two parts:

a) the number (starting at DCD-001) is the number of DCD made. Subsequent numbers are DCD-002, DCD-003, etc. b) the letter denotes what type of design the declaration relates to. Use one of the letters from above (P, F, W, L, B, S) e.g. DCD-001W

DCD-___ (this is the DCD number)

This question creates a DCD number, which is a unique identifier number specific to the design practitioner making the declaration. This number will allow design and building practitioners to identify and track the declarations that have been made and any variation of the declarations. Also, it will allow design and building practitioners to track the number of declarations that can exist over different stages (and associated construction certificates) of a building project.

If a practitioner makes **one** DCD, the original DCD number will be DCD-001. Subsequent numbers are DCD-002, DCD-003 etc. For example, a structural engineer makes one DCD, the original is DCD-001L, subsequent numbers will be DCD-002L, DCD-003L, etc.

If a practitioner makes **two** or **more** building elements, then declare for a DCD for each building element. For example, an architect makes three declarations, the original will be DCD-001F, DCD-001W and DCD-001B, and subsequent numbers will be DCD-002F, DCD-002W, and DCD-002B.

Electronic file naming of the DCDs in the **.pdf** format is recommended to include the DCD number. E.g. 'Architectural - DCD-001W *Description*.pdf'.

Details on page 2 Question 4 (Q4).

Q4. Is this a regulated design prepared for an 'Architectural / Building Design General' document by the design practitioner class of architectural, for the building element of 'load-bearing' or 'building services'?

Refer to Design Practitioners Handbook for explanation of 'Architectural / Building Design General' design document.

- ☐ Yes
☐ No

"Architectural / building design general" documents are the general documents prepared by a design practitioner in the class of registration 'architectural' or 'building design' with the design categories in the [Regulated Design Guidance Material](#) as follows:

- General arrangement plans
- General elevations
- General sections
- General details

Select yes if the "architectural / building design general" documents are prepared by a design practitioner in the class of architectural or building design for the coordination and/or setout of other design practitioners in the building element of 'load-bearing' or 'building services'.

For example, concrete profile/setout drawings by a design practitioner 'architectural / building design' are prepared for the building element of 'load-bearing'. If so, then select 'yes' for this question.

Details on page 3 – Table of documents

Part 1. Details (continued)

Please group each type of document (e.g. plans/drawings/specifications/reports) together. Note that the information provided in the table should match the title block information.

If you have more than 30 items, please provide on a separate attachment using the same headings in the table below.

Plan/drawing/specification/report title which is part of the "regulated design" being declared	Plan/drawing/specification/report reference number	Revision number
1.		
2.		
3.		
4.		

In this table, list each of the relevant plans, drawings, specifications, or reports to create a clear connection between the DCD and the design documents.

Documents that have been prepared to assist with the design but are not actually part of the design should **not** be included in the table.

Cutting and pasting of design contents in the table is **not** acceptable. All details requested must be provided. An attachment which clearly provides detail in the requested format is acceptable.

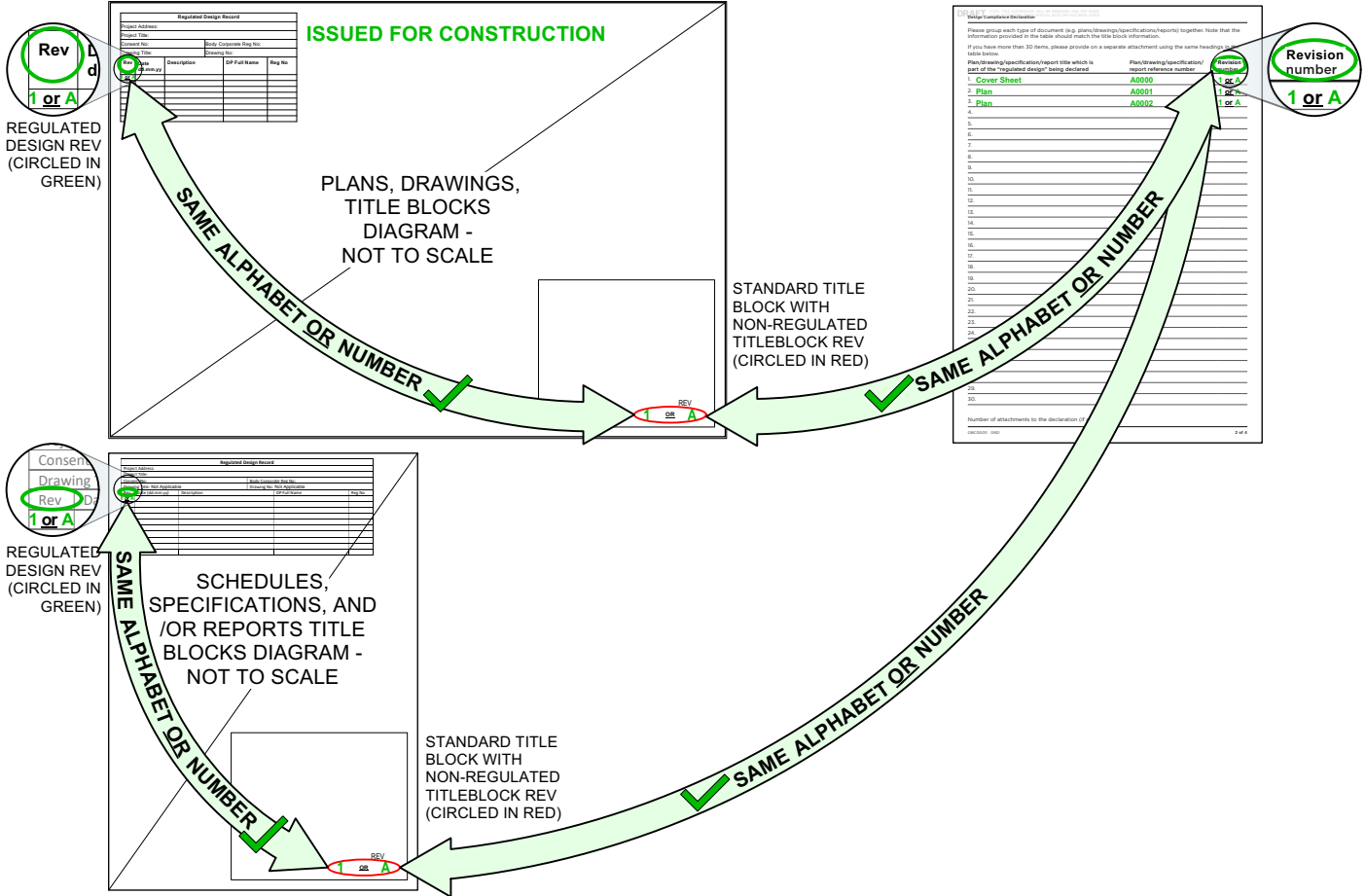
The 'revision' number refers to the actual plan, drawing, specification or report title listed. (identified by the number on the Title Block). See figure in the page below for how the revision number is required to be updated. For the revision of the design, the original will be 1 or A. The first variation will be 2 or B, which may be regulated or non-regulated. If the variation affects a building element or a performance solution then the variation is regulated. Details of the variation will be shown in the cells and details of the previous versions of the design will be shown in the cells above. If the variation does not affect a building element or a performance solution then the variation is non-regulated. To show this is a non-regulated variation, you will need to cover the regulated title block with a 'non-regulated issue' stamp, a watermark or simply deleting the title block. When the rows are full, information from the earliest design will need to be removed.

Note: All documents need to be kept for at least 10 years under the DBP legislation.

EXAMPLE STEP I

ORIGINAL **REGULATED DESIGN**
PLANS, DRAWINGS, SCHEDULES SPECIFICATIONS AND/OR REPORTS

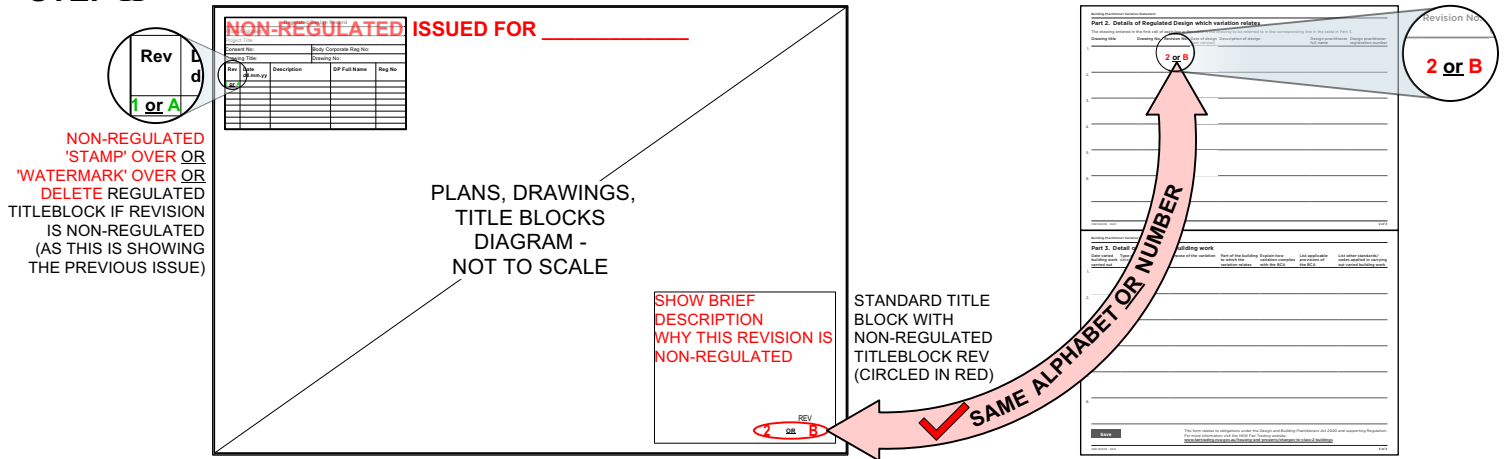
DESIGN COMPLIANCE
DECLARATION PAGE 3
AND/OR ATTACHMENT



EXAMPLE STEP II

NEXT **NON-REGULATED** UPDATE - i.e. NO EFFECT ON BUILDING ELEMENT(S)
PLANS, DRAWINGS, SCHEDULES SPECIFICATIONS AND/OR REPORTS

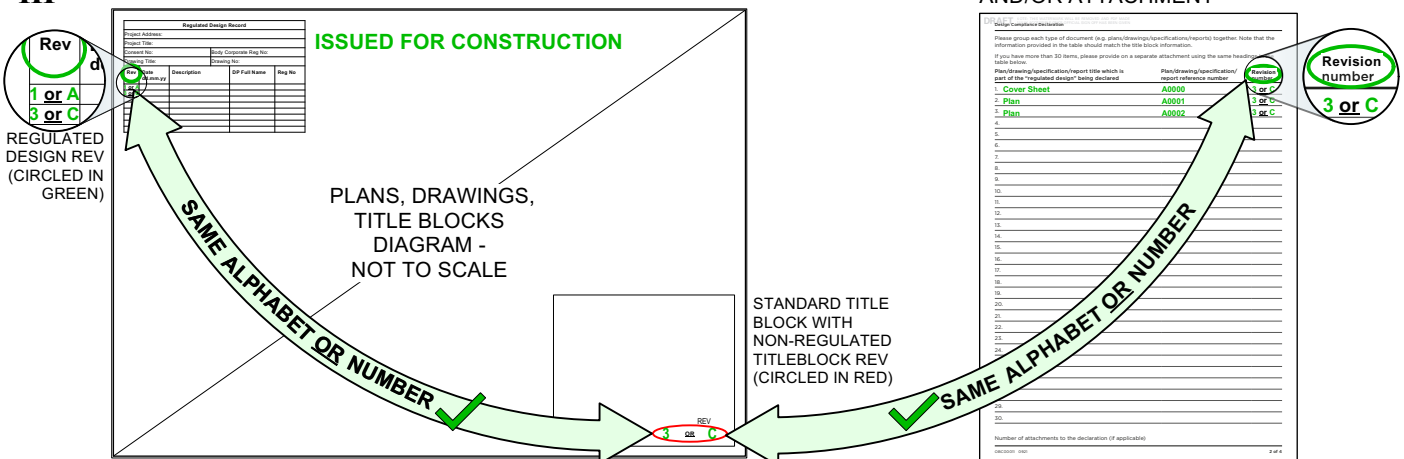
BUILDING PRACTITIONER
VARIATION STATEMENT PAGE 2/3



EXAMPLE STEP III

NEXT **REGULATED DESIGN** VARIATION - i.e. VARIES BUILDING ELEMENT(S)
PLANS, DRAWINGS, SCHEDULES SPECIFICATIONS AND/OR REPORTS

DESIGN COMPLIANCE
DECLARATION PAGE 3
AND/OR ATTACHMENT



Part 2 - Declaration matters

Declaration 1

1. The regulated design for which this design compliance declaration is being made complies with the requirements of the Building Code of Australia.

☐ Yes

☐ No

☐ There are no applicable *Building Code of Australia* requirements

If there are no applicable requirements BCA, please provide further details below

This declaration is required by the [DBP Act](#).

Design practitioners can only declare BCA compliance within the scope of their regulated design and their authority as a registered practitioner.

It is recommended that design practitioners keep a clear record of the BCA provisions which have been complied with and how the design meets those provisions. Practitioners do not need to include this information on the DCD form, but may be asked for it if audited or investigated.

If the option 'There are no applicable BCA requirements' is chosen, you must provide further details to justify why this is the case. If this option is chosen, this may **trigger a design audit** to verify the validity of selecting this option.

Example 1: an acceptable use of this option is when a design practitioner, registered in the architectural / building design class, prepares a regulated design for a 'load-bearing' component, where it is for general setout only of a shoring/piling staged construction certificate. In this example, the architectural setout of shoring/piling has no applicable BCA requirements. In such an example, select 'There are no applicable Building Code of Australia requirements'

Example 2: another use of an acceptable use of this option is when a design practitioner, registered in the architectural / building design class, prepares a regulated design for a 'load-bearing' component, where it is for concrete profile/setout or profile drawing of a staged construction certificate. In this example, the concrete profile/setout of a staged construction certificate has no applicable BCA requirements in the building element of 'load-bearing'. In such an example, select 'There are no applicable Building Code of Australia requirements'.

NSW Fair Trading does not expect there would be any further examples of when this option is chosen.

Declaration 2

2. The regulated design for which this design compliance declaration is being made integrates details of other aspects of building work to which the design relates, and other regulated designs for the work, as far as is reasonably practicable.

☐ Yes

☐ No

If yes, by providing a brief description, please list the other aspects of building work and the other regulated designs that have been integrated into the regulated design for which this design compliance declaration is being made.

This declaration is required by the [DBP Regulation](#).

If the answer to the question is 'yes', provide a brief description of any other aspects of building work and other pre-existing regulated designs that have been integrated into the design for this declaration.

Other regulated designs need to be integrated and identified if they exist beforehand and impact on the regulated design being declared.

References should identify the design being referred to, the name of the practitioner who prepared that design, and the version of the design (e.g. the DCD number and/or date of a DCD).

Note: It is encouraged to use the unique identifiers for the DCD number lodged on the portal. References to integrated designs need to be checked with the author to ensure the latest version has been used here.

An example of 'other aspects of building work' being integrated would be architectural plans coordinating the "designs for services that are required to penetrate, in particular, walls, ceilings and floors that are fire rated".

A reasonable integration relies on the professional judgement of the practitioner and will depend on individual circumstances. However, indicators that proper integration has not occurred might include references to superseded designs or a failure to reference pre-existing regulated designs that directly impact the design being declared.

Declaration 3

3. Standards, codes and requirements (other than the requirements referenced in the *Building Code of Australia*) have been applied in preparing the regulated design. E.g. a requirement under a development consent.

☐ Yes

☐ No

If yes, please list or attach information about the standards, codes or requirements that have been applied.

Do not use this declaration to list BCA provisions and/or Australian Standards that have been adopted by reference in the BCA, as they have been already covered by Declaration 1.

Declare other standards, codes or requirements that have been considered in the design. For example, a requirement under a development consent or a State Environment Planning Policy (SEPP).

An additional attachment for this information can be included if more space is required.

Declaration 4

4. Any building product referred to in the regulated design would, if used in a manner consistent with the design, achieve compliance with the *Building Code of Australia*.

☐ Yes

☐ No

This declaration is required by the DBP Regulation and refers to the specified use of any building product accounted for in the regulated design.

The legislation requires a 'yes' or 'no' answer to this declaration. However, given the overall requirement for designs and construction to comply with the BCA, it would be highly unusual for this objective to be achieved if the answer to this declaration is 'no'.

A 'building product' is defined under the DBP Regulation as including "a material or other thing that is, or could be, used in a building."

Given the broad definition, the form requires practitioners to make a declaration regarding the specified building products and how they help the design achieve BCA compliance.

Note: design practitioners must declare building product schedules and specifications that are related to the regulated design building elements, as well as related test reports and manufacturer's installation manual and how these have been integrated into the regulated design to achieve compliance with the BCA. There are also non-regulated building products that do not relate to the building elements. These non-regulated building products are not required to be declared; however, Fair Trading may require this information as part of an audit or investigation.

The designs themselves should be specific about the building products required by the designer.

The intent of the DBP legislation is that designs are detailed so the builder can build exactly as per the plans or designs and achieve compliance with the BCA rather than having to guess. Guesswork

about building products by someone who is not the designer may result in the use of a building product which does not comply with the BCA.

The definition of ‘construction issued regulated design’ in the [dictionary of the DBP Regulation](#) reinforces this:

construction issued regulated design means a regulated design for which a design compliance declaration is provided that—

- (a) contains the necessary detail to produce building work that would achieve compliance with the *Building Code of Australia*, including detail specifying—
 - (i) the proposed dimensions of the completed building, and
 - (ii) the characteristics and materials comprising the proposed building, and
 - (iii) the location of the building elements and systems proposed to be built, and
- (b) can be used by a building practitioner to carry out the work in accordance with the regulated design and the *Building Code of Australia*.

Precise specification of building products which have a crucial impact on BCA compliance is particularly important. For example, fire collars, waterproofing and cladding.

The declaration should also deter the use of inappropriate building products later in the construction process. Also, this declaration does not mean that the design practitioner is responsible for the quality of the building product in isolation.

Declaration 5

5. I have sought and considered specialist advice in preparing the regulated design.

- ☐ Yes
☐ No

If yes, please provide a brief explanation of the parts of the regulated design which have been based on the specialist advice from another person other than the person making this declaration.

This declaration is required by the [DBP Regulation](#). The purpose of this declaration is to create additional transparency for specialist advice used by a design practitioner in developing a regulated design.

The term “specialist advice” is not defined in the DBP legislation and therefore has a dictionary meaning. **Note:** “specialist advice” is not the same as “specialist work” (as defined under [the Act](#)).

‘Specialist advice’ is likely to be reports or information provided by a professional from a different discipline that is incorporated in the regulated design, but which does not satisfy the definition of a ‘regulated design’.

Please identify the specialist advice being referred to, the name of the person who prepared that advice, and information identifying the version of the advice being referred to (e.g. the date of a specialist report).

Examples of specialist advice might include a geotechnical soil sample report which forms the basis for a design but is not in itself a regulated design, or advice from a BCA consultant used by architect.

Declaration 6

6. The regulated design involves a performance solution.

- ☐ Yes
☐ No

If yes, and the performance solution is not itself the regulated design identified in part 1 of this form, please provide a brief description of the performance solution, the performance solution report identifier (reference number, date and version), and the name and contact details of the person who prepared the performance solution report.

This declaration is required by [the DBP Regulation](#).

This part of the form requires the design practitioner to document other performance solutions which have been incorporated into the regulated design.

The performance solution referred to here may be prepared by someone who is not registered under the DBP Act.

This part of the form is not intended to capture the details of a performance solution which is already the subject of this design declaration.

Note: not all performance solution reports will be declared regulated designs in their own right. Not all practitioners are eligible to register for every type of performance solution report available under the BCA.

Performance solution reports by registered design practitioners and non-registered practitioners that are integrated with this design are required to be referred to here:

- Example 1: plans by an architect may involve a performance solution for a ceiling height or disability access provision by an access consultant. The access consultant's report might not be a declared regulated design if it doesn't otherwise relate to a building element, however the report is required to be referred to in the architect's declaration.
- Example 2: plans for a sprinkler system may include sprinklers in an area where sprinklers are not otherwise necessary under [deemed to satisfy \(DTS\)](#), but *are* required under the Fire Safety Engineers performance solution report.
- Example 3: many of the performance solutions will appear in the architectural drawings and the architect will engage BCA consultants to prepare performance solution reports and integrate them into their designs, so the architect's declaration will cover them as drawings (but not the reports, which should be identified in this part of the form).

If a new designer is engaged for a design variation later in the construction process, this declaration lets them know who prepared the performance solution report that the original design was based on.

The [Environmental Planning and Assessment \(EP&A\) Regulation](#) sets out who is authorised to prepare Performance Solution Reports for certain fire safety systems. These existing requirements will still need to be met in addition to any new obligations in the Act and Regulation.

Declaration 7

7. The regulated design accords with the [Regulated Design Guidance Material](#) relevant to the design, as per clause 9(1(c)) of the Design and Building Practitioners Regulation 2021.

☐ Yes

☐ No

This declaration is required under the [Design and Building Practitioners Regulation 2021](#).

This requirement for compliance with the [Regulated Design Guidance Material](#) is in addition to, and does not replace, the requirement for compliance with the BCA.