

Unauthorised Building Work

When can acknowledgement of unauthorised building work be given?

Acknowledgement of unauthorised building work may be given for all structures if they comply with all current regulations.

When is it required?

A Building Approval Certificate (BA18) is used to retrospectively approve any building work completed without a building permit being issued, or certifies an existing building complies with the relevant standards.

A Building Approval Certificate will only be given to the owner of the property.

Are there exemptions?

Building Approval Certificates are voluntary, however if you have unauthorised building work you may be required to demolish it if you do not have one.

How do I get a Building Approval Certificate?

Building Approval Certificates (BA18) is issued by a registered building surveyor, as defined in section 3 of the *Building Services (Registration) Act 2011*.

A Register of Building Surveying Contractors and Practitioners is available on the Building Commission Website.

What forms and fees are required to be submitted?

- a Certificate of Building Compliance (BA18) signed by an independent building surveyor confirms the building complies with the Building Standards and any other standards prescribed by the Regulations.
- copies of all plans and specifications specified on the CBC;
- a copy of each technical certificate;
- evidence of any prescribed authorities' approval;
- evidence of any prescribed notifications given;
- appropriate consent forms or court orders where work encroaches onto or adversely affects other land; and
- payment of the prescribed fee

The following information may be requested after an inspection of the unauthorised works:

- A report from a qualified engineer certifying all structures are structurally adequate and any remedial works certified as complete or a private Building Surveyor to certify that the structure complies with the requirements of the Building Codes of Australia and Residential Design Codes (R Codes).
- Certification of termite barrier from a licensed operator or suitably qualified person.
- Letter from the owner stating why they carried out the works without a building licence and why Council should not serve notice to have the unauthorised works removed and/or the matter brought before the magistrate's court.
- All electrical works involved require a certification of compliance from a licensed electrician.
- An application for retrospective planning approval where the development is not in accordance with the City's Planning Scheme policies and/or the Residential Design Codes of Western Australia. Please note penalty fees apply where a development has occurred without the necessary approvals.
- In cases where it would appear the structure encroaches within the required setback, adjoining lot or crown land, you may be requested to engage the services of a licensed land surveyor to survey the property.

One copy of plans will be retained by the City. The other copy is returned to the owner with a covering letter to confirm the unauthorised works have been acknowledged.

It is an offence to construct a building without first obtaining a building licence. The maximum penalty is up to \$50,000. Owners or Builders who undertake unauthorised building work may still be prosecuted by Local Governments or the Builders Registration Board.

The City, where it is of the opinion an owner did not intentionally build without first obtaining a building licence, may issue a letter of acknowledgement following an application from the owner.

Lodgement of an application does not guarantee approval.

Fees

Please refer to the Building Services Schedule of Fees and the Planning Schedule of Fees, both available via the City's customer service centres and online.

For further information, please contact the City's Building Services on **9400 4961** or Planning Services on **9400 4460**. Alternatively, information is provided via the City's customer service centres. You may visit the Joondalup library to view a copy of the BCA.

Information regarding the R-Codes may be viewed via the Department of Planning website or purchased from the State Law Publisher – Western Australia. An Owner Builder Approval - Application Guidelines form may be downloaded from the Building Commission website.