

Unauthorised Work

What is unauthorised work?

Unauthorised works are building works that have been commenced without a Building Permit. A 'Building Approval Certificate' is used to retrospectively approve unauthorised building work relating to residential Class 1 and 10 structures; an Occupancy Permit is required for commercial Class 2 – 9 structures.

What can I do about an unauthorised structure?

Building work must not be commenced without a Building Permit where one is required. The *Building Act 2011* allows a person to make an application to approve unauthorised building work in relation to a building or incidental structure. This process should not be used to circumvent the need for a Building Permit.

The retrospective approval process may assist those who are buying or selling a property that has an unauthorised structure. If you have commenced building work without approval, or purchased a property with unauthorised structure/s, you are able to submit an application to obtain retrospective approval from the City of Armadale (the City).

In most cases, the City is able to grant retrospective approval for unauthorised structures. In certain circumstances, if the unauthorised building/structure does not comply with the Building Code of Australia (BCA) or relevant standards, the property owner may be requested to complete building work to achieve compliance with the relevant standards or remove the structure.

In cases where the *Building Act 2011* has been breached, the City may consider legal action which could include the issuance of a building order and/or referral to the City's solicitors for prosecution.

How do I obtain retrospective approval?

Obtaining retrospective approval is a two-stage process, comprising firstly of obtaining a Certificate of Building Compliance.

Once a Certificate of Building Compliance has been issued, a Building Approval Certificate should be applied for in relation to residential structures or an Occupancy Permit in relation to commercial structures to the City.

Certificate of Building Compliance

A Certificate of Building Compliance is required to ensure the unauthorised building or incidental structure is compliant with the BCA.

A Certificate of Building Compliance can be obtained from a registered Building Surveying Practitioner. The Building Surveyor will need to gather relevant information to ensure the applicable building standards have been met.

Building Approval Certificate or Occupancy Permit

A Building Approval Certificate or an Occupancy Permit confirms that the building has been assessed by a registered Building Surveying Practitioner for compliance and that a Certificate of Building Compliance has been issued.

How long does it take to get retrospective approval?

The *Building Act 2011* sets time frames in which the City has to assess and determine an application. The City has up to 10 business days from the date of lodgment to assess the application and issue a Building Approval Certificate or Occupancy Permit.

It is important that you are aware of allowed time frames prior to lodging your application and that your application documentation is complete.

Should further information be required by the City in order to assess the Building Approval Certificate or Occupancy Permit application, the applicant may be given up to 21 calendar days in which to provide the outstanding information. If the information is not received within the 21 days, the application may be refused unless a mutual consent has been granted for a further 21 days.

Unauthorised Work Application Checklist

Minimum Information Required	Yes/No
A completed BA13 Building Approval Certificate or a BA9 Occupancy Permit application form <ul style="list-style-type: none"> • Include all owner's details, construction materials and costings • Signed by all owners • Applicant's contact details • Statement signed by applicant • These application forms are available from the City's website www.armadale.wa.gov.au or from the front counter at the City's Administration Office 	
Certificate of Building Compliance <ul style="list-style-type: none"> • Must be issued by a registered Building Surveying Practitioner • Include all documentation as referenced on the Certificate of Building Compliance 	
Payment of Fees <ul style="list-style-type: none"> • Refer to the City's 'Building Services Fees and Charges' information sheet at www.armadale.wa.gov.au – also available from the front counter at the City's Administration Office 	
Building Construction Industry Training Fund (BCITF) levy payment form <ul style="list-style-type: none"> • Required for building works with a value greater than \$20,000 • Must be completed in full and signed • Refer to the City's 'Building Fees and Charges' information sheet at www.armadale.wa.gov.au – also available from the front counter at the City's Administration Offices 	
Site plan drawn to scale (1:200) showing <ul style="list-style-type: none"> • Location of the unauthorised structure • Location of all existing structures on the property • Measurement from the boundaries to the unauthorised structure • Location of septic tanks and leach drains (if applicable) 	
Construction details drawn to scale (1:100) showing <ul style="list-style-type: none"> • Detailed floor plan and elevations • Cross-section details 	
Specifications	
Structural Engineer's certification	
Plumbing certification (if applicable)	
Electrical certification (if applicable)	
Energy Efficiency certification (if applicable)	
Planning or Residential Design Codes approval (if applicable)	

This information sheet is intended as a guide only. The City disclaims any liability for any damages sustained by a person acting on the basis of this information.

For further information contact **Building Services** on **9394 5000**.