

## Building permits under the new Building Act 2011 (WA)

**DID YOU KNOW** – If you carry out building or demolition work without a permit you could receive a fine of \$50,000, or even be sent to jail??

### Construction Update

The new *Building Act 2011* (WA) requires you to obtain a building permit before you start building works. This is essentially the same as the old building licence.

If you are named on a building permit as the builder, it is your responsibility to ensure the building work is completed in accordance with the plans and specifications in the certificate of design compliance, the building permit and the building standards. If you fail to obtain a building permit where one is required, or failure to comply with a building permit requirement, you may result in:

- a) a fine of \$50,000 for a first offence;
- b) a fine of \$75,000 for a second offence; and
- c) a fine of \$100,000 and 12 months imprisonment for a third or subsequent offence.

#### So how do you get a permit?

##### Permit authorities

You apply to a permit authority which is either the local government (in most cases), the State of Western Australia, or a special permit authority.

##### Applications

Your application is either "certified" or "uncertified".

"Uncertified applications" can only be made for Class 1a (single dwellings or villas) and Class 10 buildings (non habitable buildings like sheds or carports). You lodge it with the permit authority who have 25 business days to issue you with a building permit.

##### Who does this affect?

- Registered builders
- Developers
- Financiers
- Local Governments

##### Article Highlights

- Under the new Act, a building permit is now required prior to commencement for all certified buildings.
- Non-certified buildings are defined as single dwellings or villas or non-habitable buildings such as sheds and carports.



"Certified applications" are required for all other types of building. To make a certified application you will need a "certificate of design compliance". This is prepared and signed by a building surveyor and states that the building will comply with each and every building standard that applies to it. You can use either a local government building surveyor or a private certifier (being a registered building surveying contractor) to provide this certificate.

Before you make a "certified application" you should make sure that you have all other prior approvals (for example planning, health and heritage). If you don't, it may mean your application is rejected by the permit authority. Once you lodge your certified application with the permit authority they have 10 business days to issue you with a building permit.

If the permit authority does not issue you with a building permit or rejects your application within the above prescribed times, your application is deemed to have been refused.

If in doubt as to whether you need a building permit, or whether your application should be certified or uncertified, you should always seek legal advice.

*Disclaimer: This publication is intended to provide general information only and should not be relied upon as legal advice. If you require legal advice on a matter please contact us.*

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