



CITY OF VINCENT

UNAUTHORISED BUILDING WORK

Class 1 and 10 Residential Structures

What are the Legislative requirements?

It is an offence under the Building Act 2011 to undertake building work without first having obtained a building permit from Local Government.

An owner of unauthorised building works can make an application to have the building work formally recognized by way of a "Building Approvals Certificate" on Form BA13. This will help those owners who have a property with an unauthorized structure on it.

Notwithstanding that an owner may seek a Building Approval Certificate for unauthorised building work, the Local Government may still choose to take legal action against those that deliberately build without approvals.

Application Fees (Based upon the current value of works)

2011 Building Act provision	New Fees from 2th April 2012
Application for Building Approval Certificate for a building in respect of which unauthorised work has been done (s.51 (3))- Class 1&10 Building	0.38% of the estimate value of the building work as determined by the relevant permit authority, but not less than \$90

Plus: Building Service Levy (State Government charge); Applications to approve unauthorised building work retrospectively valued \$45,000 or less will attract a flat rate of \$91.00. Applications to approve unauthorised building work retrospectively valued over \$45,000 will attract a higher level of 0.18%. Minimum of \$91.00.

Plus: The Construction Training Fund Levy is payable at 0.02% on unauthorised work valued over \$20,000. (State Government charge).

How do I know if a building has the necessary approval?

If you are concerned that a building on your property or a property you are considering purchasing does not have the necessary approval/s, you are advised to contact the Building Services at the City of Vincent to request a building summary.

In order to obtain copies of Building Approvals, you must be the current owner of the land or have consent in writing from the current owners. There is a charge to obtain this information which will depend on the level of information you are seeking. Contact Building Services in all instances on 9273 6000. To obtain copies of building licences, permits and plans an application must be submitted.

All application forms and additional information can be obtained from the City's website www.vincent.wa.gov.au – Council Services- Building Services.

What should you do if you have unauthorised building works on your property?

If you own a property that has unauthorised structures on it, then please submit an “Application for a Building Approvals Certificate” (Form BA13) together with the relevant plans, documents and fees (including the Certificate of Building Compliance-FormBA18). **Which the City can offer this service if required.** The City will then assess the building against the relevant legislation and respond accordingly. If you are considering purchasing a property, then it is recommended that you request written evidence from the current owner that all buildings on the property have the relevant building approvals from the Local Government. Please note whilst a property may be subject to an offer/ acceptance to purchase, this is a separate commercial process and has no bearing on the timeframe in regard to an application for a Building Approval Certificate on the subject property.

How will the City deal with unauthorised building work?

On receipt of an “Application for Building Approvals Certificate”, (Form BA13) and Certificate of Building Compliance –(Form BA18) the City’s Building Surveyor and/or Compliance Officer will undertake an assessment and if it is found that the building complies with all relevant legislation a Building Approvals Certificate (BA14) will be issued to the owner.

If the unauthorised building/structure does not comply with the relevant legislation, written advice will be sent to the owner advising of the work that needs to be carried out or information that needs to be submitted in order to enable the issue of a Building Approval Certificate. If this work or information is not carried out within 21 calendar days, the City can refuse the application. A right to make an application to the State Administrative Tribunal to seek a review of the City/s decision to refuse the application is available.

Information to be submitted with the application

Required Information:

1. Completed Building Approval Certificate application form (supplied).
2. Remit the required application fees and levies if applicable.
3. Supply three copies of “as constructed “ drawing including:
 - Site plan (1:200 minimum scale) showing all structure and all setbacks dimensions to boundaries.
 - Floor plans of each of the unauthorised structures including dimensions locations of windows and doors showing their sizes etc (1:00 minimum scale)
 - Elevations showing heights and footing details and including details showing the methods of support/construction & connection to existing building (of appropriate) and materials used (1:50 minimum scale)
4. Supply a letter explaining why the structure(s) were built without the necessary approvals first being obtained and the approximate date of construction.
5. Provide a structural report by a suitably qualified Structural Engineer.
6. Submit a Certificate of Building Compliance (CBC) from a registered Surveyor Form BA18, or request the City to complete this.

Please ensure your availability or property access for a site inspection within seven Business days from the date of lodging the BAC application. This inspection is to confirm the consistency between the structures and the submitted documentation and their compatibility with all legislation.

Subject to all the above documentation being received and verified, and the fees been paid, the City will issue a Building Approval Certificate for the structure (Form BA13). The structure(s) will be formally recognized by the City and the plans and certifications placed in the Councils records.

Associated building permit applications cannot be finalized until the Building Approvals Certificate for unauthorised works is completed.

Enquiries

Should you have any further queries in respect to the issue, please contact the City's Building Service Department 9273 6000.