



## GUIDE TO BUILDING PERMITS

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Building and construction work within the Shire and the State is governed by the Building Act 2011, Building Regulations 2012 and the National Construction Code.

The majority of building and construction work requires a permit prior to the commencement of work. There are some exemptions which are detailed later on this page.

The Shire operates as a Permit Authority under the Building Act 2011, which means we are able to issue permits, however we are unable to provide certification services or give specialised building advice.

This page will give a basic rundown on the general process for obtaining a permit, for more detailed information; follow this link to the Building Commissions "[Building Approvals Process Guide](#)".

All building forms, including application forms, are available on the [Building Commissions website](#).

## Building Permits

A building permit application can be submitted by the owner, builder, designer, building surveyor or any other person. An application can be made for a building or one or more stages of a building. There are two types of building permit applications, "certified" and "uncertified".

### Certified Permit Applications

A "Certified Application" is accompanied by a Certificate of Design Compliance, issued by a registered [Building Certifier](#) and can be made for any class of building and incidental structure. The permit authority has 10 business days to decide on a certified application. Applications for Class 1b and Class 2 to Class 9 buildings must be made as certified applications whereas this is optional for Class 1a and 10 buildings and incidental structures.

### Uncertified Permit Applications

An uncertified application is submitted to the Shire without a Certificate of Design Compliance and can only be made for Class 1a and Class 10 buildings and incidental structures. An independent building surveyor is appointed by the permit authority to check the proposal and provide a Certificate of Design Compliance. The permit authority has 25 business days to decide on an uncertified application.

## Supporting Documentation

The following is required to be submitted where applicable with permit applications:

- A Certificate of Design Compliance except for uncertified applications;
- Copies of all relevant plans and specifications;
- Evidence of the following approvals as relevant to the building or incidental structure:
  - Approval to install an apparatus for the Treatment of Sewage;
  - Development Approval (planning) for uses not listed permitted under the Shires Town Planning Scheme 2;

- Approval from the Department of Health if the construction involves a public use aquatic facility; and
- For certain Class 2 to Class 9 buildings, lodge with the Fire and Emergency Services (FES) Commissioner copies of the plans and specifications that accompany the certificate of design compliance.
- Evidence that notification of the name, address and contact number of the applicant for a building permit and the name of the permit authority to which the application is made has been given to the Heritage Council of Western Australia if the place to which the application relates to:
  - is subject to a Heritage Agreement made under the Heritage Act section 29;
  - is entered in the Register of Heritage Places established under the Heritage Act section 46;
  - is subject to a Conservation Order under the Heritage Act section 59; or
  - is subject to an Order in Council made under the Heritage Act section 80.
- Appropriate consent forms or court order where work encroaches onto or adversely affects other land;
- Evidence that the required insurance provisions under the Home Building Contracts Act 1991 have been met (where applicable);
- Payment of the prescribed fee and levy; and
- Evidence of owner-builder approval from the Building Services Board (if applicable).

## **Bushfire Prone Areas**

As of the 8<sup>th</sup> April 2017 new homes and associated structures built in bushfire prone areas are required to comply with the bushfire construction requirements of the National Construction Code.

The National Construction Code and Australian Standard 3959 (Construction of buildings in bushfire prone areas) provides a variety of building solutions intended to reduce the risk of ignition due to ember attack, radiant heat and direct flame contact. These requirements apply to lots in designated bushfire prone areas depending on the Bushfire Attack Level (BAL) of the lot.

A Bushfire Attack Level (BAL) provides design criteria for a building in a bushfire prone area. The BAL is assigned based on the risk and level of bushfire exposure, and may vary from site to site within a subdivision. To identify what requirements need to be met for a lot, a Bushfire Attack Level (BAL) assessment must be undertaken.

A BAL assessment is required when a building is proposed in a designated bushfire prone area. To help identify if an assessment is required the State Government has provided a mapping system outlining designated bushfire prone areas across Western Australia. These maps are available through the Department of Fire and Emergency Services website.

For more information about bushfire prone areas, refer to the [Department of Fire and Emergency Services](#) website or the [Building Commission of WA](#).

## Certificate of Design Compliance

A Certificate of Design Compliance (CDC) is issued by a registered building surveyor in the approved form and states that the building will comply with each applicable building standard if the building is completed in accordance with the specified plans and specifications.

A CDC must be submitted with a certified application. For uncertified applications it is the Shires responsibility to organise a CDC.

## Certificate of Construction Compliance

A Certificate of Construction Compliance (CCC) is issued by a registered building surveyor for newly constructed buildings and structures and states:

For a completed building:

- The building has been completed in accordance with the plans and specifications that are specified in the applicable CDC for each applicable building permit;
- The building complies with each applicable building permit including each condition that applies to the permit; and
- The building in its current state is otherwise suitable to be used in the way proposed in the application.

For an incomplete building:

- The building is incomplete;
- That occupying or using the building in its current state in the way proposed in the application would not adversely affect the safety and health of its occupants or users; and
- The building in its current state is otherwise suitable to be used in the way proposed in the application.

A CCC is required for Class 2 to Class 9 buildings in order to apply for an Occupancy Certificate prior to using the building.

## Certificate of Building Compliance

A certificate of building compliance (CBC) is issued by a registered building surveyor and is required in order to obtain:

- An occupancy permit, other than an occupancy permit required for a completed building or an incomplete building for which a CCC would be required;
- A building approval certificate;
- An occupancy permit strata; or
- A building approval certificate strata.

The applications that must be accompanied by a CBC include change of use, change of classification, registering a strata title, approval of unauthorised work, or replacing an existing occupancy permit or building approval certificate. A CBC amongst other things requires a building surveyor to state that:

- The building or incidental structure substantially complies with the applicable building standards;
- Occupying or using the building or incidental structure in its current state in the way proposed in the application would not adversely affect the safety and health of its occupants or other users;
- The building or incidental structure complies with each authority under a written law that is prescribed in r. 36 of the Building Regulations; and
- Where relevant, that the building or incidental structure substantially complies with the building permit, building licence or other approval that was granted in respect of the construction of the building or incidental structure.

## Occupancy Permit

An occupancy permit must be obtained from the Shire before a Class 2 to Class 9 building can be occupied.

A copy or details of the occupancy permit must be displayed at or near the principal entrance to the building so that it is clearly visible to occupiers and other people using the building.

An occupancy permit application must be accompanied by:

- Certificate of Construction Compliance for new buildings including new additions to existing buildings or a Certificate of Building Compliance for existing buildings, signed by a registered building surveyor;
- Evidence of the following authorities under written law as relevant to the building or incidental structure:
  - An approval required under the Health Act 1911 for sewage treatment apparatus;
  - An approval required under the Planning and Development Act 2005;
  - An approval required under the Health (Aquatic Facilities) Regulations 2007
  - An approval required under the Local Government (Uniform Local Provisions) Regulations 1996 regulation 12(2).
- Evidence of consent(s) from each affected owner where work encroaches onto or adversely affects other land (if applicable); and
- Payment of the prescribed fee and levy (if applicable).

## Demolition Permits

A demolition permit is required for the demolition, dismantling or removal of a building or incidental structure.

A demolition Permit Application is to be submitted to the Shire and must contain:

- Relevant information as required, eg site plans indicating building to be demolished. Please note: applicants may need to provide more details for commercial or complex buildings;
- Copies of any planning approvals under the Planning and Development Act 2005 where required;
- Evidence of prescribed notifications to:

- Heritage Council of Western Australia
- Worksafe;
- Electricity, gas, telephone or water service providers;
- Evidence that the building or incidental structure to be demolished has been treated to ensure that it is not infested by rodents at the time of the demolition;
- Appropriate consent forms or court orders where work adversely affects other land;
- Where asbestos is present, details of the contractor; and
- Payment of the prescribed fee and levy (if applicable).

## **Notices of Cessation**

The person named as the builder or demolition contractor on a building or demolition permit may, before completion of the works or stage of work for which the permit was granted, formally advise the Shire that they are no longer the responsible person for the project. This is done by submitting a notice of cessation. This protects a person whose contract is terminated or who is unable to complete the building or demolition work.

## **Notice of Completion**

The responsible person (builder or demolition contractor named on a permit) must issue a notice of completion to the Shire within seven (7) days of completion of the work or stage of work for which the permit was granted. This establishes the end date of the permit for compliance and record keeping purposes.

## **Inspections**

The Building Act requires certain inspections and tests to be conducted during or at completion of building work before a notice of completion is provided to the Shire. A permit will detail what, if any, inspections are required.

## **Unauthorised Building Work**

Whilst a person must not undertake building work without a building permit where one is required, the Building Act allows a person to make an application to the Shire to approve unauthorised building work in relation to a building and/or incidental structure. This retrospective approval process may assist those who are buying or selling a property that has an unauthorised structure on it.

### **Residential Properties - Class 1 and Class 10 buildings and incidental structures**

A person may apply for a 'building approval certificate' for a building or an incidental structure in respect of which unauthorised work has been done. Applicants should use an Application for Building Approval Certificate. This type of application would also apply to a Class 2 to Class 9 building that does not require an occupancy permit.

## Commercial Properties - Class 2 to Class 9 buildings

A person may apply for an 'occupancy permit' for a building in respect of which unauthorised work has been done. Applicants should use an Application for Occupancy Permit. Other approvals administered by the permit authority (such as planning and health) may also be required. Applicants should contact the Shire on these matters before lodging their applications.

### Seeking approval

When seeking retrospective approval for residential or commercial building work, a registered building surveyor must be engaged to issue a 'certificate of building compliance' before an Application for a Building Approval Certificate or an Application for an Occupancy Permit can be made to the permit authority. The building surveyor must be satisfied that the unauthorised works comply with the building standards applicable at the time of applying for retrospective approval.

### Offences

Unauthorised approvals should not be used to circumvent the proper permit process, higher fees apply to retrospective applications and the Shire may still take enforcement action which may involve a prosecution.

## FEES

There are three main types of fees payable:

Applications fees: Paid to the Shire upon application to pay for processing. The fees are set on 1<sup>st</sup> July each year. The fee amounts can be found [here](#).

Building Services Levy: Paid to the Shire, who then remits to the Building Commissioner. The fee amounts can be found [here](#).

Building and Construction Industry Training Fund (BCITF):

The levy is currently calculated at 0.2 per cent of the total value of construction for all works valued at more than \$20,000. The fee can be paid either to the Shire or to the BCTIF direct. Must be accompanied by a Levy Payment Form.

## Exemptions

The Building Act provides for exemptions from the requirement to obtain certain permits under the building approval process for particular buildings and incidental structures based on their level of risk. However these exemptions do not remove the requirement for approvals under other legislation if required, for example planning or health.

### Temporary buildings

Buildings that are not normally used by the public and erected for less than one month do not require permits. This covers things like marquees and lightweight enclosures used for private functions on land of a person's private residence.

### **Buildings incidental to certain facilities**

Permits are not required for buildings or incidental structures that form part of major infrastructure, mines, processing plants and the like; and buildings or incidental structures that are, or are proposed to be used in the construction, operation or maintenance of road, rail, port, harbour, airport, water, sewerage, electricity, oil or gas supply. However they must comply with the applicable building standards and the provisions in the Building Act relating to work affecting other land. These exemptions do not apply to residential or recreational facilities or buildings that members of the public normally use or to which members of the public are permitted access

### **Areas where building permit not required for certain work**

Permits are not required for properties located outside of gazetted townsites within the Shire of Yilgarn.

### **Kinds of building work for which a building permit is not required**

- Construction, erection, assembly or placement of a freestanding Class 10a building that
  - has a floor area not exceeding 10 m<sup>2</sup> ; and
  - is no more than 2.4 m in height; and
  - is not located in wind region C or D as defined in AS 1170.2.
- Renovation, alteration, improvement, repair or maintenance of a building or incidental structure if the building work
  - will not adversely affect the structural soundness of the building or incidental structure and does not include:
    - an increase or decrease in the floor area or height of the building or incidental structure; or
    - underpinning or replacement of footings; or
    - the removal or alteration of any element of the building or incidental structure that is contributing to the support of any other element of the building or incidental structure; and
  - is done using materials commonly used for the same purpose as the material being replaced; and
  - will not change the use or classification of the building or incidental structure; and
  - will not adversely affect the safety and health of the occupants or other users of the building or incidental structure or of the public; and
  - will not affect the way in which the building or incidental structure complies with each building standard that applies to the building or incidental structure; and
  - is not work of a kind to which section 76, 77, 78 or 79 relates; and
  - is not subject to an order, agreement or permit under the Heritage Act.
- Construction, erection, assembly or placement of a temporary office, shed or sanitary facility to be used by a builder in connection with building work carried out on the land on which the office, shed or sanitary facility is, or is proposed to be, located.
- Construction, erection, assembly or placement of a fence, screen or similar structure, other than a fence forming part of a barrier to a private swimming pool, if
  - the fence, screen or similar structure is constructed in accordance with a local law made under the Local Government Act 1995 section 9.60 that applies to the



- construction of the fence, screen or similar structure in the district in which the fence, screen or similar structure is, or is to be, located; or
- the fence, screen or similar structure is, or is to be, located in a district in which there is no local law of a type referred to in paragraph (a) and the fence, screen or similar structure
    - if constructed of masonry, is no more than 0.75 m in height; and
    - if constructed of a material other than masonry, is no more than 1.8 m in height; and
    - is not located in wind region C or D as defined in AS 1170.2.
  - Construction, erection, assembly or placement of a mast, antenna or similar structure that
    - is not located in wind region C or D as defined in AS 1170.2; and
    - if attached to a building:
      - is no more than 2 m in height above the highest point of attachment to the building; and
      - will not affect the way in which the building complies with each building standard that applies to the building; and
      - if not attached to a building, is no more than 3 m in height.
  - Construction, erection, assembly or placement of a retaining wall that
    - retains ground no more than 0.5 m in height; and
    - is not associated with other building work or with the protection of land adjoining the land on which the retaining wall is located; and
    - is not work of a kind to which section 76, 77, 78 or 79 relates.
  - Construction, erection, assembly or placement of a pergola associated with a Class 1 building that
    - is no more than 2.4 m in height; and
    - is not located in wind region C or D as defined in AS 1170.2; and
    - covers an area not exceeding 20 m<sup>2</sup>.
  - Construction, erection, assembly or placement of a water storage tank with a capacity of 5,000 L or less.
  - Building work for a park home or annexe as those terms are defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1).
  - Attachment of photovoltaic panels or solar hot water systems to the roof of a Class 1 or Class 10a building that is not located in wind region C or D as defined in AS 1170.2.
  - Building work for buildings owned or occupied by, or under the control or management of the Crown in right of the State or a department, agency or instrumentality of the Crown in right of the State that:
    - commences before 30 June 2017; and
    - has, when it commences, an estimated value of less than \$50 000.
  - The installation of a roof mounted evaporative cooling unit on a building or incidental structure if:
    - the building or incidental structure is not located in a bush fire prone area; or
    - the building is a Class 4 to Class 9 building; or
    - the building or incidental structure is located in a bush fire prone area and the BAL for the building site is BAL-Low; or
    - the building or incidental structure:

- is located in a bush fire prone area; and
- the BAL for the building site is BAL-12.5, BAL-19 or BAL-29; and
- the installation of the evaporative cooling unit complies with the requirements for roof penetration in respect of the building or incidental structure set out in AS 3959.

## Building Classes

CLASS	DESCRIPTION
Class 1a	A single dwelling being a detached house or one of a group of two or more attached dwellings, each being a building separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.
Class 1b	A boarding house, guest house, hostel or the like with a total area of all floors not exceeding 300m <sup>2</sup> measured over the enclosing walls of the Class 1b and in which no more than 12 people would ordinarily be resident; or four or more single dwellings such as chalets that are located on one allotment and used for short-term holiday accommodation.
Class 2	A building containing two or more sole-occupancy units each being a separate dwelling.
Class 3	A residential building (other than a Class 1 or Class 2), for a number of persons such as a large scale boarding house, guest house, hostel, the residential part of a hotel, motel, school, accommodation for the aged, children or people with disabilities etc.
Class 4	A dwelling that is the only dwelling in a Class 5, 6, 7, 8 or 9 building (eg a caretaker's/ manager's flat).
Class 5	An office building.
Class 6	A shop or other building where goods or services are retailed directly to the public including a café, restaurant, milk bar, bar area, hairdressers, public laundry, market or sale room, service station etc.
Class 7a	A car park building.
Class 7b	A storage building or building where goods are wholesaled (eg a warehouse.)
Class 8	A laboratory or a building where a process takes place (eg factory, workshop.)
Class 9a	A health care building (eg hospital, clinic etc.)
Class 9b	An assembly building (eg community hall, sports hall etc.)
Class 9c	An aged care building.
Class 10a	Non-habitable buildings such as a private garage, carport or shed.
Class 10b	Structures such as a fence, mast, antenna, retaining or free standing wall or swimming pool.
Class 10c	A private bushfire shelter.