

Unauthorised Works

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; and 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 Shire of Capel.

In most cases, the Shire of Capel 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 Shire of Capel may consider legal action which could include the issuance of a building order and/or referral to the Shire of Capel solicitors for prosecution.

How do I obtain retrospective approval?

Obtaining retrospective approval is a two-stage process, and the first step is to obtain 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 Shire of Capel.

Certificate of Building Compliance

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

A Certificate of Building Compliance can be obtained from the Shire of Capel or 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 Shire of Capel has to assess and determine an application. The Shire of Capel has up to 10 business days from the date of lodgement 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 you ensure your application documentation is complete.

Should further information be required by the Shire of Capel 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 mutual consent has been granted for a further 21 days.

BA13 Building Approval Certificate & BA9 Occupancy Permit - Checklist

Forms & Certificates	Further Information	Attached	
		Yes	N/A
Planning Approval	Prior planning approval may be required. Please contact the Shire of Capel's Planning Department to ascertain if planning approval will be required for your application.		
Health Approval	If a new septic/effluent system is required, please Refer to http://capel.wa.gov.au/health-environment/waste-water-disposal/ for application forms and fees.		
Building Approval Certificate or an Occupancy permit Application	BA13 & BA9 applications will be assessed within 10 working days of lodgment.		
Certificate of Building Compliance	This additional service can be provided by the Shire of Capel or Please provide, if prior approval has been obtained by a private registered Building Surveyor Practitioner		
Fees	Refer to Fee Schedule. http://capel.wa.gov.au/plan-build/building-services/forms-fees/		
Required Documents	One copy of all documents required	Yes	N/A
Site Plan (Scale 1:200)	Show contour survey or spot levels.		
	Proposed finished floor levels.		
	Setbacks from the lot boundaries.		
	Septic systems (if applicable).		
	North point.		
Elevation (Scale 1:100)	Elevation drawings must show natural ground levels.		
	Proposed finished floor level.		
	Proposed finished ground level.		
	Wall and ceiling height.		
	Roof ridge height and degree of pitch.		
Sections	Cross sections through building showing all structural elements, wall/ceiling heights and construction details.		
Termite Management	If applicable		
Building Specifications			
Energy Efficiency Report	If required		
Structural Engineers Detail	Soil and wind classification.		
	Footing and slab detail.		
	Wall structure and bracing details.		
	Roof structure and bracing details.		
	Retaining wall details.		
Bushfire Attack Level (BAL) report	If required & may be requested. For a map of bush fire prone areas please visit https://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx		
Swimming Pool	Barrier details (if required).		

Please ensure all required documents are submitted as incomplete applications will delay the issue of a Building Permit

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