**UNauthorised building works**

**What are unauthorised building works?**

Unauthorised Building Works are any building works that were undertaken without approval from the relevant Permit Authority (City) and can include patios, sheds, brick fences and retaining walls as well as building alterations or additions.

It is an offence to commence building works without first obtaining approval from the relevant Permit Authority (the City) under the *Building Act 2011 s9* (the Act), unless the building works are exempt from requiring approval as per the Table 2, Schedule 4 of the *Building Regulations 2012*.

A person undertaking building works without first obtaining approval can be prosecuted for such an offence, if the City deems it appropriate.

**HOW DO I DEAL WITH UNAUTHORISED BUILDIGN WORKS ON MY PROPERTY?**

There are two different categories when it comes to Unauthorised Building Works. For Class 1 and 10 buildings (residential), a Building Approval Certificate (BAC) must be applied for. For Class 2 - 9 buildings (commercial), an Occupancy Permit must be applied for.

Whilst approval should always be obtained prior to any building works commencing, the City can approve building works after they have been constructed without prior approval.

**Residential application requirements**

For retrospective approval on residential buildings, **all** of the following must be submitted to the City for assessment:

* A completed Form BA13 signed by all of the registered landowners;
* Plans of the unauthorised building works i.e. a site plan, floor plan and elevations;
* A Certificate of Building Compliance (CBC) issued by a qualified Building Surveyor. A list of Building Surveyors can be found on the Building Commission WA website;
* A copy of any document referenced on the CBC; and
* Evidence from a licensed Land Surveyor demonstrating that the unauthorised building works are contained wholly within the allotment boundaries (if the building works are located on or near the boundary)

Payment of the relevant fees are due upon lodgement and the application cannot be accepted until payment has been made.

Please note that a Planning Approval may also be required to be submitted and approved if the unauthorised building works vary from the Deemed-to-Comply provisions of the Residential Design Codes.

**Commercial application requirements**

For retrospective approval on commercial properties **all** of the following must be submitted to the City for assessment;

* A completed Form BA9 signed by all of the registered landowners;
* Plans of the unauthorised building works i.e. a site plan, floor plan and elevations;
* A Certificate of Building Compliance (CBC) issued by a suitably qualified Building Surveyor. A list of Building Surveyors can be found on the Building Commission WA website;
* A copy of any document referenced on the CBC; and
* Evidence from a licensed land surveyor demonstrating that the unauthorised building works are contained wholly within the allotment boundaries (if the building works are located on or near the boundary)

Payment of the relevant fees are due upon lodgement and the application cannot be accepted until payment has been made.

Planning Approval will generally be required for unauthorised building works on commercial properties, or if there is a change of the buildings use.

**WHO IS RESPONSIBLE FOR UNAUTHORISED BUILDING WORKS?**

The owner of the property on which the unauthorised building works are located is responsible for the either removing the unauthorised building works or obtaining retrospective approval.

To find out what structures have been approved on a property, a Plan Search Request can be submitted to the City. A Plan Search Request will provide the applicant with all of the approved plans for a property.

If you are not the current owner of the property, you will need authoristaion from the owner to obtain plans.

The cost to obtain plans on a residential property is $77.00 inclusive of goods and services tax (GST) whilst for commercial properties the cost is $121.00 inclusive of GST.