



Unauthorised Building Work

What is an Unauthorised Building?

Building works that have been undertaken without first having the appropriate Planning and Building Permits issued. Building works include the construction or alteration of a building not exempted by the Building Regulations 2012. Building work also includes the construction of retaining walls greater than 500mm high, swimming pools and spas.

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 buying does not have the necessary approval, you are advised to contact the Building Staff at the Shire of Moora to arrange a search of Shire's records for all building approvals issued to that property. This search will confirm what building work has obtained a planning or building approval from the Shire.

To obtain this information, you must be the current owner of the land or have consent in writing from the current owner. There is a charge to obtain this information. A Building Officer will be able to assist in determining the appropriate fee once it is clarified what amount of information is available and what is needed. Contact Building Staff on (08) 9651 0000.

What are the legal requirements?

It is an offence under the Building Act 2011 to undertake building work without first having obtained a Planning and a Building Permit from the relevant Permit Authority (Shire of Moora). A breach of this requirement carries a penalty of up to \$50,000 for a first offence and penalties of up to \$100,000.

The Act does provide the ability for an owner to make application to the Shire in respect to unauthorised building work. This application requires similar but more specific documentary evidence than a normal planning and building permit application. This process helps those owners who were honestly unaware that they had bought a property with an unauthorised structure on it and wish to legitimise the structure.

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

If you own a property that does have unauthorised building work conducted on it, then please submit the relevant application (as described below) together with the appropriate plans, documents, and fees. The Shire will then assess the building against the relevant building, planning and environmental health legislation and respond accordingly. If you are considering purchasing a property, it is recommended that you request written evidence (such as a copy of the approved plans) from the current owner to show that all buildings on the property have the relevant building approval from the Local Government before settling on the property.

What Application do I need to get an Approval?

To obtain an approval, applicants must submit to the Shire's Building Services Section an "Application for Building Approval Certificate (BA13)". Applications should be submitted electronically, or alternatively, a hard copy application may be submitted via the front counter for those without access to electronic documents.

What documents need to be submitted with my Application?

Applicants for Planning and Building Approval Certificate (Retrospective) must submit.

- A completed and signed Development Application and a Building Approval Certificate (BA13)
- A Certificate of Building Compliance (BA18) issued by a suitably qualified and registered Building Surveyor.

**A full list of independent Building Surveyors can be found on the website of Department of Mines, Industry Regulation & Safety (commerce.wa.gov.au)

- A copy of all drawings and documents listed in the Certificate of Building Compliance.

Note: other specific information may be required following assessment of your plans by the Building Surveyor. It should be noted that the engagement of a building surveyor for certification services does not guarantee automatic certification.

Important Notes: Please be advised that a retrospective planning approval must be obtained from Shire's Town Planner before the Building Approval Certificate can be issued.

Even though a person may seek retrospective approval for unauthorised building work, this does not remove the offence, and the Shire may still take legal action under the Building Act to ensure that the unauthorised building work is approved or removed.

Further inquiries may be directed to the Shire's Building Services on 9651 000, or email to shire@moora.wa.gov.au.