
Building Services Information Sheet

RETROSPECTIVE APPROVAL



BACKGROUND

The introduction of the WA Building Act 2011, in April 2012 has created new requirements and processes for seeking recognition of unauthorised building works. This allows for an application to be submitted to the Local Government for consideration along with payment of the relevant fees applicable to this process. (Refer Part 4, Division 2, Section 51)

For domestic building works (dwelling additions, sheds, carports, fences etc) an application for the issue of a **Building Approval Certificate (BAC – BA13 form)** relating to unauthorised work will need to be submitted.

For commercial/industrial works an application for the issue of an **Occupancy Permit (OP- BA9 form)** relating to unauthorised work will need to be submitted.

In both cases a **Certificate of Building Compliance** will need to be obtained as part of this process. This certificate can be provided either by a registered Private Building Surveyor or the Shire of Broome.

As part of this process all required Statutory/Regulatory approvals (where applicable) will need to be obtained. This could typically include Planning Approval from the Local Government, Water Corp, Department of Fire and Emergency Services (DFES) and any other relevant State Authority that may have an interest in the project.

Generally speaking under this process it will need to be demonstrated to the local government that the building work complies with all of the relevant applicable standards and is satisfied that the building is safe to be used and occupied. The Building Code of Australia (**BCA**) is the referenced standard used.

When all requirements have been met, the relevant certificate will be issued to the building owner or authorised agent of the building owner. Local Authority building records will also be adjusted accordingly.

This process can be an onerous one, so before embarking upon this course of action it is strongly recommended that you contact the Shire of Broome to discuss this matter.

FEES & CHARGES

Fees are available on the Shire of Broome website under the 'Building Fees & Charges link

OFFENCES & PENALTIES

Owners and builders should be mindful that performing unauthorised building work without first obtaining a building permit is an offence under the Building Act 2011. (Refer Part 2 Division 1, Section 9).

It is also an offence under the Building Act 2011 to occupy a building before the appropriate occupancy permit has been issued. (Refer Part 4, Division 1, Section 41).

In both cases heavy financial penalties apply:

Penalty:

- (a) for a first offence, a fine of \$50 000;**
- (b) for a second offence, a fine of \$75 000;**
- (c) for a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.**