

New Building Act

From the second of April, the State Government has introduced a new Building Act and supporting Regulations that will govern the way building applications are accepted and approved.

The Act and Regulations will apply throughout the state, including Wagin Shire.

There are many changes and similarities to what exists now.

Before any building permit will be issued from April onwards, the application will have to be accompanied by a “certificate of design compliance”. This is a certificate that states the building will comply with the Building Code of Australia (BCA).

The “Certificate of Design Compliance” can either be issued by an independent building surveyor (*certified application*) or can be certified by the Shire’s Building Surveyor (*uncertified application*).

It is now possible to submit an application to build that has been certified by a building surveyor employed in private industry or another Shire.

Other changes will include an applicant having to provide evidence that the plans have been sited by the Water Corporation if there is a water or sewerage service to the property.

Fees will have to be paid in advance (submitted with the application) and the application form will have to be signed by every owner of the land.

Depending on the complexity of the application, engineering certification may be required to enable the “Certificate of Design Compliance” to be signed off.

Builders will be required to notify the Shire within seven days of the completion of the work covered by the permit and the builder named on the permit is entirely responsible for ensuring that the work meets the Act and the BCA.

Any other approvals that are necessary such as planning, heritage or health are required to be in place before the building application is submitted.

If the proposed work will affect other land (adjoining property), the consent of the adjoining owner or a court order allowing the encroachment will be required prior to submitting the application.

There are heavy penalties for non compliance, for example building without a valid permit can attract a fine of up to \$50,000.

building work means —

- (a) the construction, erection, assembly or placement of a building or an incidental structure;
or
- (b) the renovation, alteration, extension, improvement or repair of a building or an incidental structure; or
- (c) the assembly, reassembly or securing of a relocated building or a relocated incidental structure; or

There are some exemptions whereby a building permit is not required, however it is imperative that this be clarified with the Building Surveyor so that no offence is created and a fine incurred.

