

When is a Building Permit Required?



The commencement of the Building Act 2011 on 2 April 2012 introduces significant changes and options to the way in which you can obtain a Building Permit (licence to build) from a Permit Authority.

One of the more significant changes of the Act is that you will now be required to obtain a *Certificate of Design Compliance (Form BA03)* from a Registered Building Surveyor before you can obtain a Building Permit. A Registered Building Surveyor can be a person who works for a Permit Authority, (such as a Local Government) or who is privately employed. A permit authority is obligated to provide a service to issue a Certificate of Design Compliance for Residential (Class 1 and 10) buildings but is not required to provide this service for Class 2-9 Buildings.

The Shire of Donnybrook-Balingup is a Permit Authority and intends to continue to provide a service to applicants who wish to obtain a Certificate of Design Compliance for ALL classes of buildings within the Shire, at its discretion until further notice.

For Residential (Class 1 and 10 Buildings), the Building Act provides 2 types of applications that you can make to seek a "Building Permit", a *Certified Application (Form BA01)* and an *Uncertified Application (Form BA02)*.

For Commercial/Industrial (Class 2-9 Buildings), you only have the option to lodge a *Certified Application (Form BA01)* under the Building Act. A Certified application may be made after you have obtained a Certificate of Design Compliance from a Registered Building Surveyor. As part of the process the Shire is providing the service of issuing a Certificate of Design Compliance in relation to a Class 2-9, so an *Uncertified Application (Form BA02)* will be accepted.

An Uncertified application may be made where you wish to have the permit authority (Local Government) undertake the assessment of a Class 1 or 10 also Class 2-9 building and issue both the Certificate of Design Compliance and Building Permit.

The builder/applicant must also submit a *Notice of Completion (Form BA7)* to the Local Government within 7 days of completion.

You also need to be aware that the Act also sets some time limits within which the Shire has to assess and determine an application for a building permit. Time limits also apply within which an applicant needs to submit further information where an assessment of an application finds that an application is missing information. It is important that before lodging an application for building permit you make sure you are aware of these time limits and that your application is complete.

Uncertified – Building Permit Application, (For Residential Class 1 and 10 Buildings Only):

The Shire has 25 business days from the date of lodgement within which to determine an application for compliance.

If during assessment of the application within the 25 business day period, the Shire finds that there is information missing, the applicant may be given up to 21 calendar days within which to submit all the outstanding information.

Following submission of the outstanding information, the Shire has a further 25 business days to determine the application.

If the correct information is not provided to the Shire within the required days the Shire **may** refuse the application and retain all fees paid.

Certified – Building Permit Application, (For all Classes of Buildings)

For a Certified application you will need to first obtain a “Certificate of Design Compliance” issued by a Registered Building Surveyor, which will likely include a fee which will vary dependant on the Building Surveyor or organisation that you engage to provide this Certificate.

On lodgement of a Certified Application, the Shire has 10 business days from the date of lodgement within which to determine a Certified Application.

If during the assessment of the application within the 10 business day period the Shire notifies the applicant that further information is required, the applicant may be given up to 21 calendar days within which to provide the information.

Following submission of the outstanding information, the Shire has a further 10 business days to determine the application.

If the correct information is not provided to the Shire within the required days the Shire **may** refuse the application and retain all fees paid.

Also please note:

If the Shire has not determined the application within the initial assessment period the application is taken to have been refused and you are entitled to a refund of your fee. However the Shire may still be able to issue the building permit after the 10 business days.

In the event of your application is taken to be refused, you are also entitled to make an application to the State Administrative Tribunal for a review of the decision.

It is important that when the Shire has requested further information following assessment of either application type, that you submit the information in one bundle and make sure that it accurately answers all specific issues as if it doesn't, the Shire also has the option to determine to refuse the application