

# Guide for Approval of Unauthorised Building Work

The *Building Act 2011* and the *Building Regulations 2012* allow a Local Authority to issue a **Building Approval Certificate** where it can be demonstrated that unauthorised building work complies with the relevant standards.

Owners who have Unauthorised Building Work, can apply to the Shire by providing the necessary application form, fees, documentation and any required certificates to demonstrate that the unauthorised building work substantially conforms with the requirements of the Act.

Owners may need to commission Building Professionals to assist them in preparing and certifying the Unauthorised Building Work.

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## The following information is required to be provided with your submission for a Building Approval Certificate for Unauthorised Building Work

### 1. BUILDING APPROVAL CERTIFICATE APPLICATION.

A completed "Building Approval Certificate Application". Forms are available from Building and Energy <https://www.commerce.wa.gov.au › building-and-energy>

### 2. FEES TO ACCOMPANY THE APPLICATION FORM.

Pay all necessary fees as follows:

#### Building Approval Certificate Application Fee:

For an unauthorised building the fee is 0.38% of the estimated current value of the application with a minimum fee of \$110.00.

Extract from the *Building Regulations 2012*:

#### **Schedule 1 (3) Estimated value of unauthorised building work**

The estimated value of unauthorised building work is the sum of the estimated current value (including GST) of the relevant components.

**Please note:** *Even if you have constructed the works yourself, the current value of labour required to carry out the works will still need to be included in the estimation.*

#### The Building Services Levy:

The levy for a Building Approval Certificate is \$123.30 (0.274% for a building value over \$45,000)

### 3. DOCUMENTATION TO ACCOMPANY THE APPLICATION FORM.

One complete set of drawings, to scale, clearly delineated, legible and durable and shall be not less in size than an A4 sheet, larger sheets are recommended and will need to be used where the size of the drawn work does not fit on the smaller sheet, showing the following:

#### a. Site Plan (Block Details) - Minimum Scale 1:200

A Site Plan or Part Site Plan is to include/show, but not limited to the following:

- The size and shape of the site's boundaries and their dimensions.
- Street name or names if it is a corner lot.
- Lot and street (house) numbers.
- The north point (*North is usually shown to the top of the page*)
- Show verge and road features including traffic islands, crossover, street trees, storm water grates and other services in the road reserve (verge).
- Show all the existing approved buildings on the property. Example – house, garage, patios, verandahs, shed/s and swimming pool. *Existing buildings are usually shown with thin single linework.*
- Clearly dimension from boundaries to each existing structure (*setbacks*) and between each existing structure.
- Clearly dimension the sizes of the existing structures.
- Show the unauthorised building work. *Usually shown with thick linework and crosshatched.*
- Show a permanent datum point, contour lines, spot levels relative to the datum, (RL – relative level) finished floor levels of all the existing structures and the proposed work. *This is called a feature survey of the property and may need to be prepared by a Licensed Land Surveyor.*

*A fixed datum is often the crown of the road or the top of kerb, in line with one of the side perpendicular boundaries to the road.*

- Show height and extent of any earthworks (cut and or fill) embankments and indicate how the embankments are stabilized.
- Show location of retaining walls with RL's to indicate the top of the wall (TOW) and the finished ground level at the bottom of the wall (BOW).
- Show location of new or existing septic tanks and leach drains, if applicable.
- Show sewer line and connection point, if applicable.
- Indicate all structures and/or buildings on adjoining lots within 3m of the lot boundary.
- Show locations of roof and paving stormwater soakwells and indicate their sizes.
- Driveway location, width and gradient.
- Show locations of any easements.

**Please note:** That where a part site plan is used, usually required for large sites, then a **Locality Plan** must also be submitted, drawn at a minimum scale of 1:1000 showing the entire site.

#### b. Floor Plan/s Minimum Scale 1:100

Provide fully detailed plan view of every storey of the unauthorised building work and existing structure, including but not limited to the following:

- Clearly indicate all approved existing building/s, usually with thin linework and draw in the unauthorised building work, usually with thicker linework, backlining and crosshatching. Show sufficient of the existing building so that the requirements of the Building Code of Australia can be assessed, in particular lighting and ventilation.
- Type of construction of the walls, floors and roofs
- Clearly dimension all rooms and wall thicknesses and overall sizes including all piers, walls and openings.
- Section through symbol/s that pass through the unauthorised building work.
- Elevation symbols that shows where the elevational views of the unauthorised building work are taken from.
- Beams – material and sizes, quantity of bearing and holding down details.
- Roof strutting beams - material and sizes.
- Columns – material, sizes and centres.
- Piers - material, sizes and centres.
- Room names.
- Windows and doors including sizes
- Hard wired smoke detectors.
- Roof lines – ridges, valleys and eaves.
- Downpipe locations.
- Any existing DT's (disconnecter traps).

**c. Elevations of each side of the Building - Minimum Scale 1:100**

Provide fully detailed external elevations of each side of the unauthorised building work and existing structure, including but not limited to the following:

- Where unauthorised building work is an addition, provide sufficient of the existing building so that it can be clearly identified.
- Existing ground line, original ground line and any fill or cut levels.
- Finished floor level.
- Location and dimensions of doors and windows, including direction of opening, (example: fixed, sliding, awning)
- Dimensions - height from finished floor level to ceiling, height to ridge, the heights of each storey.
- Roof pitch of existing structure and the unauthorised building work.
- Materials used to clad the roof, including the colour if metal cladding.
- Types of materials used for the walls.

**d. Section - Minimum 1:100 scale**

Provide a fully detailed cross section through the unauthorised building work and existing structure, including but not limited to the following:

- Depth of foundation (i.e. the depth of the sand pad, if applicable).
- Existing and original ground levels and any fill or cut levels.
- Finished floor level.
- Footing/s dimensions and depth below the natural ground level (NGL) or size/s of stumps and sole plates.
- The heights of each storey.

- Dimensions - height from finished floor level to ceiling, height to ridge, the heights of each storey.
  - Show floor structure, provide sizes, spans, spacings, centres of all structural members and label the materials.
  - Show wall structure, provide sizes, spans, spacings, centres of all structural members and label the materials.
  - Show roof structure, provide sizes, spans, spacings, centres of all structural members and label the materials.
  - Materials used to clad the roof, including the colour if metal cladding.
  - Label all materials.
- e. **Details - Minimum Scale 1:50 (preferred scales 1:20 or 1:10 subject to the detail)**
- Provide fully detailed scaled details of parts of the unauthorised building work and existing structure, including but not limited to the following:
- Footings to walls, piers, posts and columns.
  - Stump details to sub floor.
  - Connection details of structural members.
  - Bulkheads.
  - Waterproofing details.
  - Any other details as maybe required to clearly indicate the compliance of the unauthorised building work.

Please note, that in most instances, structural details will need to be certified by a Professional Structural Engineer, except where the design and construction complies with the Building Code of Australia (BCA).

#### 4. SPECIFICATION.

A description of the unauthorised building work including the materials used in the work and such information as is necessary to show that the unauthorised building work substantially conforms with the requirements of the Act.

#### 5. VALUE.

The value or the estimated current value, of the unauthorised building work, is calculated in the manner set out in the *Building Regulations 2012* Schedule 1 (3). Please refer to the Building Regulations extract above.

#### 6. FURTHER DETAILS OR INFORMATION.

Any further details or information required by the City to show that the unauthorised building work substantially conforms with the requirements of the Act; and

#### 7. PROFESSIONAL STRUCTURAL ENGINEER'S CERTIFICATE.

A "Certificate of Structural Sufficiency – as Constructed" from a Professional Structural Engineer determined from a site investigation, maybe requested subject to the unauthorised building works, the quality and detail of the plans and specification.

## 8. REGISTERED BUILDING SURVEYOR'S CERTIFICATE.

A "Certificate of Building Compliance" from a Registered Building Surveyor, determined from a site investigation, may be requested subject to the unauthorised building works. Failing this a Certificate of Building Compliance signed by the City of Kalamunda will be required.

## 9. PHOTOGRAPHS.

Provide a few photographs from outside and inside of the building works.

## 10. BUILDING CLASSES AND FESA

Other than a Class 1 or 10 type buildings<sup>1</sup>, an owner of a building making an application for a Building Approval Certificate shall deposit with the Fire and Emergency Services Authority of

Western Australia - a description of the unauthorised building work, including the materials used in the work, of sufficient detail to enable the Authority to assess compliance of the work with the Fire Requirements of the Building Code of Australia.

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## REMEDIAL WORK

Should remedial work be required by the Professional Structural Engineer and or the Private Building Surveyor, then after that work has been carried out, a further inspection is required by them to certify that the remedial work has been carried out in accordance with their requirements and presented to the City for approval.

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## PLANNING DEVELOPMENT APPROVAL AND RESIDENTIAL DESIGN CODES VARIATION

Where the Unauthorised Building Work requires Planning Development Approval in accordance with the Shire's Local Planning Scheme or a Codes Variation is required in accordance with the Residential Design Codes, then the relevant application forms and fees will need to be submitted and approval granted prior to the Building Approval Certificate been processed.

The Shire's Building officers will address these issues with you once the submission has been lodged.

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<sup>1</sup> Class 1 buildings are single residences and Class 10 buildings are sheds, patios, carports, swimming pools, retaining walls etc.

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## SHIRE'S DECISION

The Shire will assess the submission and may:

- a. Issue a **Building Approval Certificate** where it can be demonstrated that the Unauthorised Building Work complies with the relevant standards,  
  
or
- b. Require that remedial work is carried out to make the Unauthorised Building Work comply with the relevant standards,  
  
or
- c. If the Unauthorised Building Work can not be made to comply, then the Shire may issue notice for the Unauthorised Building Work to be taken down.

The owner has the right to apply to the State Administrative Tribunal for a review of a refusal by the Shire or of any conditions that the Shire may impose on a Building Approval Certificate.