

Unauthorised Building Work

What is an Unauthorised Building?

Building works that have been undertaken without first having the appropriate Building Permit 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 to buy does not have the necessary approval, you are advised to contact the Customer Services staff at the City of Rockingham to arrange a search of City's records for all building approvals issued to that property. This search will confirm what building work has obtained a building approval from the City.

In order 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 Customer Services 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 Customer Services on (08) 9528 0333.

What are the legal requirements?

It is an offence under the Building Act 2011 to undertake building work without first having obtained a Building Permit from the relevant Permit Authority (City of Rockingham). A breach of this requirement carries a penalty of up to \$50,000 for a first offence and penalties of up to \$100,000 and 12 months imprisonment for subsequent offences.

The Act does provide the ability for an owner to make application to the City in respect to unauthorised building work. This application requires similar but perhaps more specific documentary evidence than a normal 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 carried out on it, then please submit the relevant application (as described below) together with the appropriate plans, documents and fees. The City 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 City's Building Services Section an "Application for Building Approval Certificate (BA13)".

Applications should be submitted electronically. On the City of Rockingham's website or alternatively, a hard copy application may be submitted for those without access to electronic documents.

What documents need to be submitted with my Application?

Applicants for Building Approval Certificate (Retrospective) must submit;

- A completed and signed 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 <https://www.commerce.wa.gov.au/building-commission/find-registered-building-surveyor>
- 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.

Important Notes:

Please be advised that if the unauthorised structures are located on Rural, Special Rural and Special Residential zoned lots, a retrospective planning approval must be obtained from City's Statutory Planning Services before the Building Approval Certificate can be issued.

Unauthorised structures located on lots zoned R2 to R80 may require a retrospective R-Code application before the Building Approval Certificate can be issued.

Further inquiries may be directed to the City's Building Services on 9528 0333, or email to customer@rockingham.wa.gov.au.

Document #
Version 1-14/03/2022