

Definition

Unauthorised works are building works that have been commenced without a Building Permit. A 'Building Approval Certificate' is used to retrospectively approve unauthorised building work relating to residential Class 1 and 10 structures and a Class 2 to Class 9 building that does not require an occupancy permit, an Occupancy Permit is required for commercial Class 2 – 9 structures.

Frequently asked questions

What can I do about an unauthorised structure?

Building work must not be commenced without a Building Permit where one is required. The Building Act 2011 allows a person to make an application to approve unauthorised building work in relation to a building or incidental structure. This process should not be used to circumvent the need for a Building Permit.

The retrospective approval process may assist those who are buying or selling a property that has an unauthorised structure. If you have commenced building work without approval, or purchased a property with unauthorised structure/s, you are able to submit an application to obtain retrospective approval from the Shire of Capel.

In most cases, the Shire of Capel is able to grant retrospective approval for unauthorised structures. In certain circumstances, if the unauthorised building/structure does not comply with the Building Code of Australia (BCA) or relevant standards, the property owner may be requested to complete building work to achieve compliance with the relevant standards or remove the structure.

In cases where the Building Act 2011 has been breached, the Shire of Capel may consider legal action which could include the issuance of a building order and/or referral to the Shire of Capel solicitors for prosecution.

How do I obtain retrospective approval?

Residential Properties - Class 1 and Class 10 buildings and incidental structures

A person may apply under s. 51(3) of the Building Act for a 'building approval certificate' for a building or an incidental structure in respect of which unauthorised work has been done. Applicants should use a BA13 form - Application for Building Approval Certificate. This type of application would also apply to a Class 2 to Class 9 building that does not require an occupancy permit.

Commercial Properties - Class 2 to Class 9 buildings

A person may apply under s. 51(2) of the Building Act for an 'occupancy permit' for a building in respect of which unauthorised work has been done. Applicants should use a BA9 form - Application for Occupancy Permit.

Other approvals administered by the Shire of Capel (such as planning and health) may also be required. Applicants should contact the Shire of Capel on these matters before lodging an application.

Seeking approval

When seeking retrospective approval for residential or commercial building work, a registered building surveyor must be engaged to issue a 'certificate of building compliance' (BA18) before an Application for a Building Approval Certificate (BA13) or an Application for an Occupancy Permit (BA9) can be made to the permit authority.

Certificate of Building Compliance?

A Certificate of Building Compliance is required to ensure the unauthorised building or incidental structure is compliant with the Building Code of Australia.

A Certificate of Building Compliance can be obtained from a registered Building Surveying Practitioner. The Building Surveyor will need to gather relevant information to ensure the applicable building standards have been met.

Building Approval Certificate or Occupancy Permit

A Building Approval Certificate or an Occupancy Permit confirms that the building has been assessed by a registered Building Surveying Practitioner for compliance and that a Certificate of Building Compliance has been issued.

How long does it take to get retrospective approval?

The Building Act 2011 sets time frames in which the Shire of Capel has to assess and determine an application. The Shire of Capel has up to 10 business days from the date of lodgement to assess the application and issue a Building Approval Certificate or Occupancy Permit. It is important that you are aware of allowed time frames prior to lodging your application and that you ensure your application documentation is complete.

Should further information be required by the Shire of Capel in order to assess the Building Approval Certificate or Occupancy Permit application, the applicant may be given up to 21 calendar days in which to provide the outstanding information. If the information is not received within the 21 days, the application may be refused unless mutual consent has been granted for a further 21 days.

Building Application Checklist – BA13 Building Approval Certificate Application

Approvals and Forms	Further Information	Attached	
		Yes	N/A
Development Approval	Development approval may be required prior to lodgement of a building approval certificate application. Planning Information Sheets are available from the Shire's Website www.capel.wa.gov.au or from the front counter at the Shire's Administration Office. Please contact the Shire of Capel's Planning Department to ascertain if development approval will be required for your application.	<input type="checkbox"/>	<input type="checkbox"/>
Health Approval	Health approval may be required prior to lodgement of a building approval certificate application. Information Sheets are available from the Shire's Website www.capel.wa.gov.au or from the front counter at the Shire's Administration Office. Please contact the Shire of Capel's Health Department to ascertain if there are any health requirements for your application.	<input type="checkbox"/>	<input type="checkbox"/>
BA13 Form	These application forms are available from the Shire's Website www.capel.wa.gov.au or from the front counter at the Shire's Administration Office	<input type="checkbox"/>	<input type="checkbox"/>
Fees	Refer to the Shire's 'Building Services Fees and Charges' information sheet at www.capel.wa.gov.au – also available at the front counter at the Shire's Administration Office.	<input type="checkbox"/>	<input type="checkbox"/>
Building Construction Industry Training Fund (BCITF) levy payment form or receipt	Required for building works with a value greater than \$20,000. The BCITF levy can be paid online, please visit the following website Corporate site - Logon Page (bcitf.org) , receipt of payment must be provided for all online payments.	<input type="checkbox"/>	<input type="checkbox"/>
Required Documents	One Copy of all documents required	Yes	N/A
BA18 Certificate	BA18 – Certificate of Building Compliance (CBC)	<input type="checkbox"/>	<input type="checkbox"/>
Plans & Specifications	A copy of all plans & specifications specified in the CBC	<input type="checkbox"/>	<input type="checkbox"/>
Technical Certificate	A copy of each technical certificate relied on by the building surveyor	<input type="checkbox"/>	<input type="checkbox"/>
Encroachments/work affecting other land	All consents or court order must be obtained if part of a building or incidental structure is proposed to be placed beyond the boundaries of the works land or if the building work may adversely affect land beyond the boundaries of the works land	<input type="checkbox"/>	<input type="checkbox"/>

Further Information

If your application is incomplete, it may be rejected or refused. The Shire of Capel reserves the right to request additional information if it is deemed necessary following a detailed assessment of the application. This checklist should be completed for all applications.

Disclaimer

The information contained in this brochure is intended as a guide only. It is recommended that the advice and assistance of the Shire's Building Services be sought prior to lodgement of a Building Application. The Shire of Capel disclaims any liability for any damages sustained by a person acting on the basis of this information.

Building Application Checklist – BA9 Occupancy Permit Application

Approvals and Forms	Further Information	Attached	
		Yes	N/A
Development Approval	Development approval may be required prior to lodgement of a Occupancy Permit application. Planning Information Sheets are available from the Shire’s Website www.capel.wa.gov.au or from the front counter at the Shire’s Administration Office. Please contact the Shire of Capel’s Planning Department to ascertain if development approval will be required for your application.	<input type="checkbox"/>	<input type="checkbox"/>
Health Approval	Health approval may be required prior to lodgement of a occupancy permit application. Information Sheets are available from the Shire’s Website www.capel.wa.gov.au or from the front counter at the Shire’s Administration Office. Please contact the Shire of Capel’s Health Department to ascertain if there are any health requirements for your application.	<input type="checkbox"/>	<input type="checkbox"/>
BA9 Form	These application forms are available from the Shire’s Website www.capel.wa.gov.au or from the front counter at the Shire’s Administration Office	<input type="checkbox"/>	<input type="checkbox"/>
Fees	Refer to the Shire’s ‘Building Services Fees and Charges’ information sheet at www.capel.wa.gov.au – also available at the front counter at the Shire’s Administration Office.	<input type="checkbox"/>	<input type="checkbox"/>
Required Documents	One Copy of all documents required	Yes	N/A
BA18 Certificate	BA18 – Certificate of Building Compliance (CBC)	<input type="checkbox"/>	<input type="checkbox"/>
Plans & Specifications	A copy of all plans & specifications specified in the CBC	<input type="checkbox"/>	<input type="checkbox"/>
Technical Certificate	A copy of each technical certificate relied on by the building surveyor	<input type="checkbox"/>	<input type="checkbox"/>
Encroachments/work affecting other land	All consents or court order must be obtained if part of a building or incidental structure is proposed to be placed beyond the boundaries of the works land or if the building work may adversely affect land beyond the boundaries of the works land	<input type="checkbox"/>	<input type="checkbox"/>

Further Information

If you are unsure which of the above options applies to you, or if you have any questions you would like to ask before lodging a request, please contact the Shire of Capel Building Services Department.

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