



Building Act Amendments

Western Australia's new building laws better place our industry to deliver great and safe buildings for Western Australians, with more flexibility and fewer of the hurdles that came from operating within an earlier regulatory system more than 50 years old.

Some minor amendments to the Building Act passed in Parliament in October 2012 will further streamline the building approvals process.

The amendments have been developed in consultation with stakeholders and industry to create a smoother pathway for building permits to be issued in a timely way. The amendments will:

- minimise time delays when a permit authority needs missing information before making a decision on an application;
- provide flexibility for builders accessing vacant or unoccupied land;
- clarify the powers of public authorities and permit authorities; and
- enable fine-tuning through regulation at a later stage by introducing a head of power.

Amendments that do not need supporting regulations prior to commencement will come into effect once Royal Assent is given, which is expected to be early November 2012. Amendments that require regulation changes are expected to come into effect in early December 2012.

Key changes in effect from November 2012

Time for deciding an application for building or demolition

Permit authorities will still have a maximum of 10 business days to decide on applications for a certified building permit or a demolition permit or 25 business days for an uncertified building permit application, unless the applicant and permit authority agree to a longer period. The amendments will, however, minimise time delays when a permit authority needs an applicant to supply missing information before making a decision on an application.

The clock will no longer reset, but will now 'pause' until the applicant for the permit supplies the missing information. For example, if a permit authority is considering an uncertified application (25 days) and requests missing information on the 11th day after it is submitted, the first business day after the information has been provided by the applicant will be considered day 12. The clock will not be reset and the permit authority has only the remaining 13 days to make a determination on the application. If the permit authority does not make a decision by the deadline, it must refund the permit fee and the applicant can take the matter to the State Administrative Tribunal. The permit authority must still continue to consider the application until it decides to grant the permit or reject the application for non-compliance.

Public authorities as permit authorities

Some minor wording changes to the Act clarify that local and state government agencies can be named as builder on a building permit for work undertaken within their jurisdiction. This approach allows a local government to carry out or undertake work on properties within their locality. The requirement for an independent building surveyor to sign off on a Certificate of Design Compliance remains in force.

Additionally the amendments clarify that local governments may issue Certificates of Design, Construction and Building Compliance (as a private certifier would) even where the building work may not be within their locality.

Access to other land

The amendments have removed the need to obtain the consent of the adjoining landowner to:

- (a) access the land during construction where the land is vacant or unoccupied; or
- (b) remove a dividing fence where a building permit authorises the construction of a zero lot boundary wall.

Head of power

The amendments provide for a head of power within the legislation for:

- the Minister to make an order removing the need for owner signatures in some circumstances; and
- regulations prescribing how a permit authority can request missing information both in terms of:
 - how often missing information can be requested; and
 - the manner in which a request must be made (distinguishing between requests that pause the clock and minor queries that can easily be resolved without pausing the clock).
- more clearly prescribed applicable building standards.

It is expected that the regulation changes will occur in early December 2012 following a further period of consultation with industry stakeholders.

Further information can be obtained at www.dmirs.wa.gov.au/building-commission or by calling the Building Approvals Hotline.

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