



Industry Bulletin 152

Duration of building permits

This industry bulletin is intended to highlight the process of extending the duration of a building permit.

This is particularly relevant given the current global economic challenges facing the building industry, including rising supply chain costs and labour shortages that are contributing to widespread delays in the completion of new building projects.

Consequently, a number of active building permits may be at risk of lapsing before the building work can be completed. Builders should be aware of the expiry date on every building permit and apply for an extension if necessary.

Section 32 of the *Building Act 2011* (the Act) allows the relevant permit authority to set out in the building permit the period during which it has effect. If a permit does not set out the duration then that permit has effect for two years from the day it was granted.

Two years has generally been sufficient for most building work to be completed and permit authorities have often left the duration of the permit blank (as illustrated below in the extract from a permit) unless the applicant had specifically sought a different duration period.

5. This permit is valid for two years from the date of this permit OR valid until		Date
Issuing officer	Name	Job title
	Signature	Date
Permit authority		

Example of building permit duration field.

Once the duration of a building permit has lapsed, the permit is no longer in effect and continuation of the building work may be unlawful – unless the duration of the permit is extended. Work can recommence once an application to extend the building permit has been submitted to the relevant permit authority.

Existing building permits

The Act and the Building Regulations 2012 (the Regulations) provide the process for a person to seek an extension to the duration of a building permit. The process involves completing a Building Commissioner approved [BA22 Application to extend time – building or demolition permit form](#), setting out the grounds for extending the time during which a permit has effect. The application, together with the currently prescribed fee of \$110, is then lodged with the permit authority for a decision.

Regulation 23 of the Regulations sets out the requirements for an application to extend the time for a building permit.

An application can be made either before or after the expiry day of a permit. Once the application is made, the permit continues to have effect on and from the expiry day or the day immediately following the expiry day respectively until:

- the permit authority makes a decision to extend the time during which the permit has effect; or
- the applicant withdraws the application; or
- gives a notice of completion in relation to the permit.

New building permits

The permit authority has the ability to set a period longer than two years for the duration of a permit. Providing a longer period may assist industry in the scheduling and completion of large scale projects and in dealing with construction delays.

There is no prescribed way of requesting a longer time period for a new building permit. However, the applicant or builder can request the permit authority to set a longer period before the permit is granted.

In order to assist industry, Building and Energy is encouraging permit authorities to favourably consider all applications to extend the duration of an existing building permit and any requests to set a longer duration period for new building permits.

Disclaimer – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

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