



Building Commission regulations changes – June 2012

The Minister for Commerce acts to keep the home building industry moving

The *Building Act 2012* came into effect on 2 April 2012. Statistics show there was a marked increase in building approvals in March reflecting industry and local government awareness of a new system approaching in April. Both housing permit applications and housing permit approvals reported a decline in April, however there has been slow recovery to average during May. The reduction in approvals has alarmed the housing industry concerned about the consistency of work for builders, subcontractors and suppliers.

Following consultation with building industry stakeholders and local governments the Building Commission has identified a number of implementation issues with the new building approvals process: -

- Difficulty in training staff within local government authorities and builders to adapt to new systems.
- Lack of understanding in some permit authorities of transitional provisions and dealing with existing applications.
- A high proportion of incomplete applications resulting in the need for permit authorities to seek further information from applicants, delaying approvals.
- Confusion and changed arrangements for other written laws applicable to building such as crossovers for planning, and water services.
- Confusion over the introduction of adjoining owner consent for encroachments and adverse effect on neighbouring land.
- Confusion over notification and adjoining owner consent for fence renewal or temporary access to land for the purpose of building.
- Understanding the new options available for certification of building design compliance.

What is being done?

Ministerial Order for building commencement

The Minister for Commerce has signed a Ministerial Order designed to expedite the flow of home building work. This order, which will take effect from Saturday 16 June 2012, will allow a person who applied for a building permit to build a house or associated building (Class 1 and 10) to start building work BEFORE the building permit is granted by the local government/permit authority. This is only for projects that have a building permit/licence application that was, or will be, lodged with local government from 1 January 2012 to 30 June 2012, and that has not been granted or rejected.

This will not remove the obligation (if required) to obtain all other necessary approvals such as planning, give required notifications and to build in accordance with the building standards. Non-compliant building work will still be subject to enforcement action by the local government, including the potential for orders to cease work or demolish the building or structure.

Before you start building you must be certain that you are allowed to do so.

Go to www.dmirswa.gov.au/building-commission for further information before you visit the site.

Simplified approval processes under the new Building Act

A number of amendments to the *Building Regulations 2012* that will simplify the approvals process and make it easier for local governments to apply the law consistently will also take effect from Saturday 16 June 2012. The changes to the regulations mean that applications will require less paperwork and approvals can be obtained faster.

This email is to alert you of the changes and encourage you to look out for an announcement in the next few days, providing details on the regulation amendments.

Make sure you check the Building Commission website regularly for updates.

Key changes

To make an application for a building permit:

1. Notification to and consent from the Water Corporation will no longer be required in order to obtain a building permit under the *Building Act 2011*.
NB: This does not affect requirements for notification and consent to Water Corporation under Water Corporation legislation.
2. Consent for crossovers will no longer be required.
3. A registered builder, building surveyor, architect or engineer can attach a statement to the application confirming there is no encroachment or adverse effect on neighbouring land.
4. For uncertified applications (those without a certificate of design compliance), if the planning and building applications are lodged together the set time frame starts from when the planning approval is granted.
5. The set timeframes (25 days for uncertified applications, 10 days for certified applications) can be extended by agreement between the applicant and the local government.

Forms will be amended to reflect these and other changes. The new forms will be available on the Building Commission website, however the current forms will still be acceptable, and those already in the system will not need to be changed.

A checklist to assist permit authorities to consistently apply the requirements associated with the new building approval processes has also been developed.

Changes to work affecting other land consent requirements

The Building Commission is also acting on feedback regarding the issue of work affecting other land. New forms will be available that will simplify the process of gaining consent to affect someone else's land.

An applicant may attach to a building permit application a written statement signed by:

- a building practitioner or a builder surveyor registered under the *Building Services (Registration) Act 2011* section 17; or
- an architect registered under the *Architects Act 2004* section 29; or
- a professional engineer as defined in the Interpretation part of the Building Code (Part A1 of Volume One and Part 1.1 of Volume Two).

that the following will not occur in respect of the building or incidental structure which is the subject of the application:

- part of the building or structure will be placed into, onto or over land beyond the boundaries of the work area; or
- land beyond the boundaries of the work area will be adversely affected.

The permit authority should take such written statement into account for the purposes of satisfying itself that the application meets the requirements of section 20(1)(g) and (h) of the *Building Act 2011* and regulation 16(3)(a) of the *Building Regulations 2012*.

14 June 2012