



Guide to lodging an occupancy permit application (BA09)

If you lodge an incomplete application to the permit authority, it can be refused and you may lose your fees.

These notes are to assist you to complete an occupancy permit application form. Further details about the new building approval process are in '*The New Building Approval System: A Guide to the Building Act 2011*'. A copy of this publication is available on the Building Commission's website www.buildingcommission.wa.gov.au.

What is an occupancy permit?

For all buildings **except** single dwellings and sheds, pools etc (Class 1 and 10), that were completed after 2 April 2012, the *Building Act 2011* makes it an offence to occupy the building without an appropriate occupancy permit. An occupancy permit covers a number of different situations:

- ✓ To occupy a completed building
- ✓ To approve an additional temporary use of a building
- ✓ For registration of a strata scheme or plan of re-subdivision
- ✓ To bring an existing building into the Building Act framework
- ✓ To occupy temporarily an uncompleted building
- ✓ To approve a permanent change of a building's use or classification
- ✓ To approve retrospectively unauthorised work

Applications can be lodged either in hard copy or soft (electronic) copy, and must use the standard Building Commission form, or the electronic/online system where provided by the local government.

Certificates of compliance

To gain an occupancy permit, a certificate of compliance needs to be completed to show the building is safe to occupy. The certificate needs to be signed by a suitably qualified registered building surveyor, and issued by a registered building surveying contractor (or local government).

Certificate of construction compliance (CCC)

This certificate is only used for completed new buildings or for incomplete new buildings (as a temporary measure until the building is complete). It confirms that the building has been constructed in accordance with the relevant building permit and certificate of design compliance (and building standards).

Certificate of building compliance (CBC)

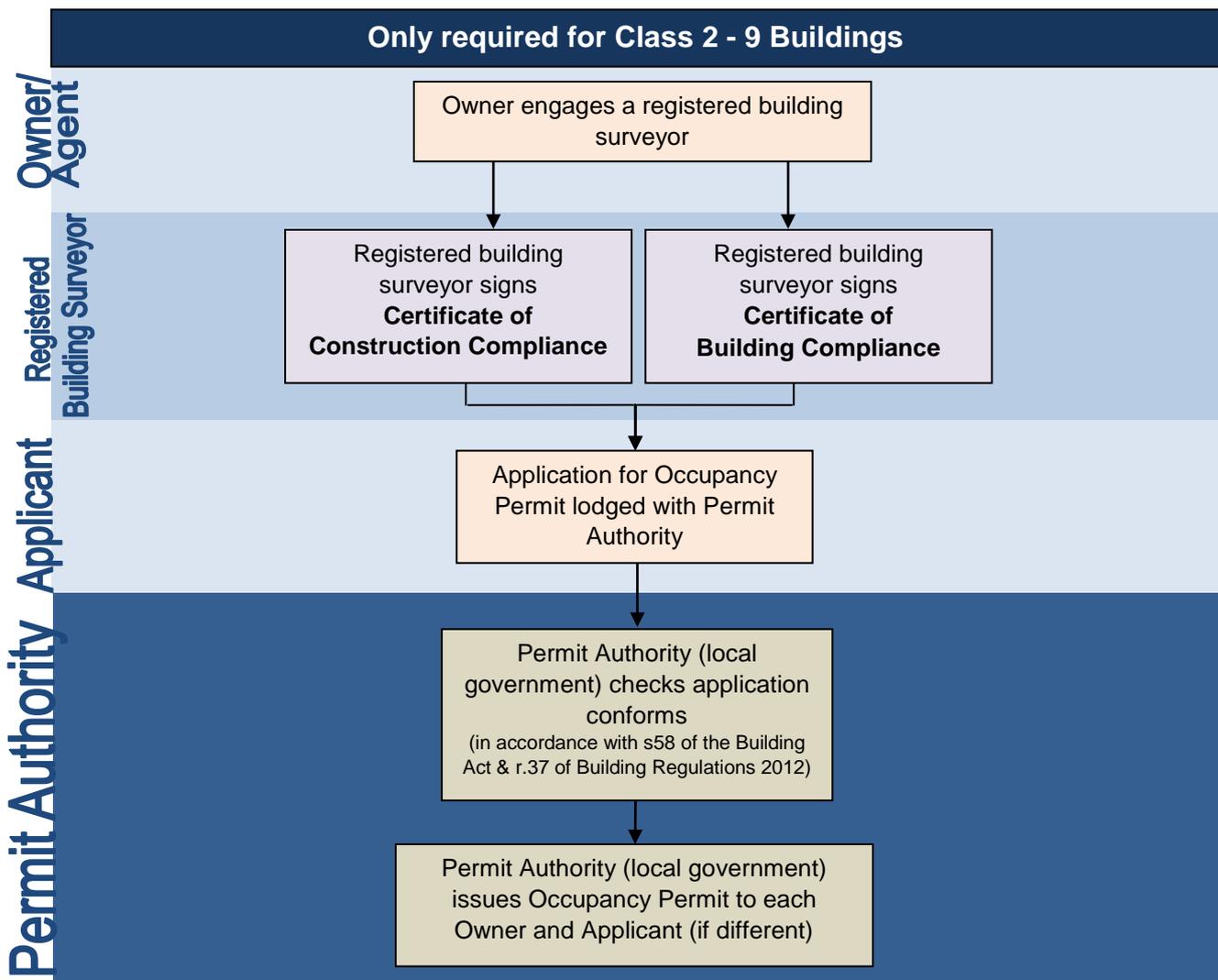
This certificate is used in all other cases where an occupancy permit can be used (as detailed on page 2).

What can an occupancy permit be used for?

An occupancy permit covers a range of circumstances relevant to commercial buildings (Class 2 to 9).

1. Occupancy of completed new buildings (which includes renovation, alteration, improvement, repair or maintenance that requires a building permit, e.g. fit outs);
2. Occupancy of incomplete new buildings – enables part of a new building to be occupied, if safe. A full occupancy permit is needed once the building is complete;
3. Additional use of a building on a temporary basis – where an additional use can be added to an existing occupancy permit for no longer than one year;
4. Permanent change of the building's use/classification - where a building's use or classification is to be different from that under the existing occupancy permit;
5. Unauthorised work – an occupancy permit can be sought to authorise work that has no previous authorisation.

The process for occupancy permit applications



Filling out the occupancy permit application form

This section assists you in filling out the application form.

The standard Building Commission application forms will be the only forms local governments can use, unless they have an online or electronic system, where the system mirrors the fields on the application forms.

To successfully fill out an occupancy permit application form you will need to know, or have:

Description	Explanation
Permit Authority	The Permit Authority will, in most cases, be the local government where the building is built.
1. Property details	
Property street address	This is where you put the property address details of the building being built.
Local government area (if different from permit authority area)	Sometimes a permit authority can be different from the local government area.
Current details of building	The class/es and/or use/s are those that are listed on the building's building licence or permit.
Proposed changes to building	The class/es and/or use/s are those that the building is being changed to.
2. Purpose of application	
This is an occupancy permit application for (please tick and provide details)	The occupancy permit can be used for a range of different circumstances. Tick the relevant box for the type of occupancy permit you are applying for. The details that need to be provided is a brief description of the work undertaken.
Period of occupancy sought	Most occupancy permits are valid indefinitely. However, in some cases, mainly temporary/incomplete occupancy permits, there will be an end point. The date that the occupancy permit should cease must be entered here.
3. Owners details	
Owners details	<p>An owner in relation to freehold land is defined as someone who is the registered proprietor of the land, or the State, or a person who has either:</p> <ul style="list-style-type: none"> • a leasehold interest, that allows them to undertake building work, • An interest as purchaser under a contract, • A freehold interest in the land, <p>EACH owner of the land must sign the application form. This is to ensure that all owners know what is happening to their land. Owners can authorise someone else to sign on their behalf. The person who is authorised to sign on behalf of the owner must provide evidence of the legal authorisation.</p>
4. Applicant details	
Applicant details	The applicant can be anyone, most likely the registered building surveyor or owner. If they are the owner or building surveyor, they don't need to fill in their details again.

Statement	
<p>1. All prescribed information is provided with this application, including a certificate of construction compliance or a certificate of building compliance signed by a registered building surveyor</p> <p>2. In accordance with s.58 of the <i>Building Act 2011</i></p> <ul style="list-style-type: none"> o All prescribed authorities have been obtained, and have been or are being complied with; and o All prescribed notifications have been given. <p>3. If a part of the building or incidental structure encroaches beyond the land on which it is located , each affected adjoining owner has given consent</p> <p>4. There is no current legal proceeding instituted by the permit authority or a local government for a breach or alleged breach of a written law relating to the building or incidental structure</p> <p>5. That any building orders that have been made in relation to the building or incidental structure have been complied with</p>	<p>1. This is everything in this checklist relevant to the application.</p> <p>2. All authorities and notifications are listed in the checklist and need to be obtained, and evidence of this provided, before the occupancy permit application is lodged.</p> <p>3. Evidence must be provided. Tick relevant box. Further information in checklist.</p> <p>4. In signing the statement, you are confirming that no legal proceedings are current relating to the building (or incidental structure).</p> <p>5. In signing the statement, you are confirming that any/all building orders that are related to the building (or incidental structure) have been complied with.</p>

Checklist

The following needs to accompany an occupancy permit application.

Tick	Item	Explanation
<input type="checkbox"/>	Certificate of Construction Compliance (CCC) or Certificate of Building Compliance (CBC)	<p>A CCC is needed for an occupancy permit for a NEW completed or incomplete building.</p> <p>A CBC is needed for an occupancy permit for:</p> <ul style="list-style-type: none"> • Additional use of a building on a temporary basis; • Permanent change of the building's use/classification; • Authorising unauthorized building work; • An occupancy permit for strata <p>A standard form must be used, available from the Building Commission website. It must be signed by a registered building surveyor and issued by a registered building surveying contractor.</p>
<input type="checkbox"/>	Copy of each technical document used by the building surveyor in the Certificate of Construction Compliance (if any)	If the building surveyor has relied on technical documents to ensure compliance to the building code, they must be attached to the application.
<input type="checkbox"/>	All prescribed authorities have been obtained	<p>This is the full list that appears in the Building Regulations 2012, r.37. They are ONLY for applications that need a Certificate of Building Compliance, as stated above.</p> <ul style="list-style-type: none"> ○ An approval required under the <i>Health Act 1911</i> section 107(2)(a) or (b); ○ An approval required under the <i>Planning and Development Act 2005</i>; ○ An approval required under the <i>Health (Aquatic Facilities) Regulations 2007</i>, Part 2 Division 1; ○ An approval required under the <i>Local Government (Uniform Local provisions) regulations 1996</i>, regulation 12(2).
<input type="checkbox"/>	Consent/court order for encroachments	If the building or part of the building or structure is placed into, onto or over land beyond the boundaries of the work area the standard Building Commission consent form (BA20) or court order must accompany the certificate of building/construction compliance. For further information please see 'Work Affecting Other Land' brochure.
<input type="checkbox"/>	Building Services Levy	\$40.50, paid to the permit authority, except for complete new buildings (s46 under the Building Act) or modification of an occupancy permit for an existing building (s.48 of the Building Act)
<input type="checkbox"/>	Permit Authority (Local Government) Fee/s	Fees that are required by the permit authority (local government)
<input type="checkbox"/>	The requirements of the relevant local government checklist have been met.	Please contact the relevant permit authority (local government) for their checklist.