

20. Grant of building permit

(1) A permit authority to which a certified application or an uncertified application is made must grant the building permit if it is satisfied —

(a) that the applicant has complied with section 16; and

16. Making an application

An application —

- (a) must be made in an approved manner and form; and
- (b) must name, and be signed by, each owner of the land on which the building or incidental structure is, or is proposed to be, located; and
- (c) must name, and be signed by, the person who proposes to be named as the builder on the building permit, or the demolition contractor on the demolition permit; and
- (d) must provide prescribed information about the building or incidental structure and the persons mentioned in paragraph (b) or (c); and
- (e) if a certified application, must be accompanied by a certificate of design compliance for the building or incidental structure that is the subject of the application, that is signed by a building surveyor and complies with section 19; and
- (f) if a certified application, must be accompanied by the plans and specifications that are specified in the certificate of design compliance for the building or incidental structure that is the subject of the application; and
- (g) if a certified application, must be accompanied by a copy of each technical certificate signed by a specialist that the building surveyor has relied on to sign the certificate of design compliance; and
- (h) if an uncertified application, must be accompanied by the plans and specifications for consideration by a building surveyor under section 17; and
- (i) must be accompanied by each technical certificate that is prescribed to accompany the application; and
- (j) must be accompanied by evidence that the applicable provisions of the Home Building Contracts Act 1991 requiring insurance or corresponding cover have been satisfied; and
- (k) must be accompanied by evidence that the applicable provisions of the regulations mentioned in the Building Services (Complaint Resolution and Administration) Act 2011 Part 7 Division 2 requiring payment of a building services levy have been satisfied; and
- (l) must be accompanied by the prescribed fee, if any, for the application; and
- (m) must be accompanied by each other thing that is prescribed to accompany the application.

(b) that the person mentioned in [section 16\(c\)](#) —

Building Regulations 2012, Regulation 18. Grant of building permit (s. 20)

(1) For the purposes of section 20(1)(b), **building work** that is not **builder work** is specified.

(i) is a building service contractor who is entitled under the Registration Act section 11 to be named as the builder on the building permit; or

(ii) has owner-builder approval under the Registration Act to carry out that work; or

(iiia) is a public authority as defined in the Registration Act section 3; or

(iii) is a person or in a class of persons prescribed for the purposes of the Registration Act section 7(2)(c) who may be named as the builder on the building permit,

unless the building work is of a kind specified by the regulations; and

(c) that a certificate of design compliance for the building or incidental structure that is the subject of the application complies with section 19; and

19. Certificate of design compliance

(1) In this section —

*certificate* means a certificate of design compliance for a building or an incidental structure that is the subject of a certified application or an uncertified application.

(2) A certificate must be in an approved form.

(3) A certificate must contain a statement of the building surveyor signing the certificate to the effect that if the building or incidental structure that is the subject of the application is completed in accordance with the plans and specifications that are specified in the certificate, the building (including each incidental structure associated with the building) or incidental structure will comply with each applicable standard.

(4) A building surveyor may, in a certificate, specify such of the inspections and tests listed in regulations mentioned in section 36(2)(b) that the building surveyor thinks should be conducted during or at the completion of the building work.

(5) A certificate must contain each other thing that is prescribed to be in the certificate.

(6) The regulations may provide for the things that a building surveyor is required to do before signing a certificate.

(d) that the building surveyor who signed the certificate of design compliance —

(i) is entitled under the Registration Act to sign certificates of design compliance for buildings or incidental structures of the kind that is the subject of the application; and

(ii) is an independent building surveyor in relation to the application;

and

(e) that the certificate of design compliance is issued by a person who —

(i) is a building service contractor who is entitled under the Registration Act section 11 to issue the certificate; or

(ia) is a public authority as defined in the Registration Act section 3; or

(ii) is a person or in a class of persons prescribed for the purposes of the Registration Act section 7(2)(c) who may issue the certificate;

and

(f) that each technical certificate mentioned in **section 16(i)** is —

(i) signed by a person prescribed as a person who may sign the certificate; and

(ii) issued by a person prescribed as a person who may issue the certificate;

and

(g) if a part of a building or incidental structure is proposed to be placed beyond the boundaries of the land on which the building work is proposed to be done, that there is compliance with section 76; and

(h) if the building work may adversely affect land beyond the boundaries of the land on which the work is proposed to be done, that there is compliance with section 77; and

(i) that either —

(i) a policy of insurance is in force in respect of the building work under the *Home Building Contracts Act 1991 Part 3A Division 2*; or

(ii) corresponding cover, as defined in the *Home Building Contracts Act 1991* section 25A, is provided in respect of the building work; or

(iii) the policy of insurance mentioned in subparagraph (i) or the cover mentioned in subparagraph (ii) is not required under the *Home Building Contracts Act 1991* in respect of the building work;

and

(j) that the applicant satisfies any other insurance requirements prescribed by regulation or under any other written law in respect of the building work; and

(k) that any building services levy required to be paid in respect of the building permit under regulations mentioned in the Building Services (Complaint Resolution and Administration) Act 2011 Part 7 Division 2 has been paid; and

(l) if a levy is imposed by the Building and Construction Industry Training Levy Act 1990 in respect of the building work, that the levy has been paid; and

(m) that the permit authority has complied with the provisions of the Heritage of Western Australia Act 1990 in relation to the application and that granting the building permit would not be inconsistent with an order, agreement or permit under that Act except to the extent allowed by that Act; and

(n) that the applicant has obtained in relation to the building work each authority under a written law that is prescribed for the purposes of this paragraph; and

(2) For the purposes of section 20(1)(n), the following authorities under written laws are prescribed —

(a) if the building work involves the construction or installation of any apparatus for the treatment of sewage as defined in the Health Act 1911 section 3(1), the approval required under section 107(2)(a) or (b) of that Act;

(b) if the building work is development as defined in the *Planning and Development Act 2005* section 4, each approval required under that Act in relation to the work;

(c) if the building work involves the construction, alteration or extension of an aquatic facility as defined in the Health (Aquatic Facilities) Regulations 2007 regulation 4, the approval required under Part 2 Division 1 of those regulations.

(o) that the applicant ***has complied*** or ***is complying*** with each authority mentioned in paragraph (n);

and

(p) that the applicant, in relation to the building work, has complied or is complying with each provision of a written law that is prescribed for the purposes of this paragraph; and

(q) that the applicant, in relation to the building work, has complied or is complying with each provision of a local government policy or requirement, not being a written law, that is prescribed for the purposes of this paragraph;

and

(r) that each notification that is prescribed for the purposes of this paragraph to be given in relation to the building work has been given; and

(s) that the applicant has complied with each other prescribed requirement for the granting of a building permit on the application.

(2) A permit authority to which an application is made must not grant the building permit unless it is satisfied as to each of the matters mentioned in subsection (1)(a) to (s).