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## UNAPPROVED STRUCTURES

### What Is An Unapproved Structure?

Any building that has been constructed, altered, added to or repaired without the prior approval of Council and Building Licence obtained, will be deemed to be an "Unapproved Structure".

### What Is A Recognised Unapproved Structure?

Any building, which has been certified as structurally sound by a structural engineer and a letter of recognition, issued by council.

### Potential Solutions:

- An Owner voluntarily agrees to remove the Unapproved Structure.
- Owner decides to remove/dismantle the Unapproved Structure, then applies for a Building Licence and reconstructs the structure in accordance with Council requirements after the issue of a legal Building Licence.
- Owner provides Council with a certain level of information and hence Council can provide a Letter of Recognition to the Owner.

Whilst a ***retrospective Building Licence is not issued***, at least the Owner has made a reasonable attempt to cover potential structural and siting issues.

***It must be noted that where a structure has been built which does not comply with the objectives of Building, Planning or Health Legislation, then the City of Albany may exercise its duty and right to require conformity with the law, and issue the appropriate Notices.***

### What Information does Council Require:

- Site Plan – fully dimensioned, showing the relationship to other buildings and site boundaries.
- Building plans including floor and elevations **or** original building plan (if available).
- The Water Corporation approval of the siting and confirmation that it does not breach their legislation.
- Letter of support from neighbours who may be affected by the location of the building or structure.
- A Structural Engineer's Report certifying the structural stability of the Unapproved Structure.

**Please Note:** When lodging an application, the attached checklist must be completed and all documentation included.

### **What Does The Owner Receive?**

If all approvals could have or can be issued, then you will receive from Council's Building Team, a Letter of Recognition for the structure.

### **What Comments are Placed on Council' Property File?**

- A letter of recognition stating that Council will not require the building to be removed.
- The engineer's report will be placed on your Council property file.
- A memo will be placed on our electronic records.

### **What Happens if I Sell my Property?**

If you decide to sell your property sometime in the future, this information will be disclosed to any potential purchaser. A purchaser will then be buying the property with the clear knowledge that there are unapproved structures on the land and those structures 'appear to be structurally sound'.

### **Unapproved Building Work: - Council's Legal Options**

Council may act using any of the following options with powers conferred under the *Local Government (Miscellaneous Provisions) Act 1960*, if structures are found which have not been granted approval by Council.

- Issue a Notice under Section 401 seeking the building or structure be pulled down.
- Or
- Prosecute the Owner within two years of the construction work being performed, under Section 374 which specifies allows for a maximum penalty of \$5000, plus a maximum penalty of \$100 for each day during which the offence continues.

**Please Note:** An Owner has the right on application, to have the requisitions of the Notice reviewed by the State Administrative Tribunal.

### **More Information....**

Should you have any questions or require any further information, please contact a member of the Building Services Team by either phoning on 9841 9382, by email [building@albany.wa.gov.au](mailto:building@albany.wa.gov.au) or in person at the City Offices.

#### **\*\* DISCLAIMER \*\***

This information sheet is a guide only. Verification with original Local Laws, Acts, Planning Schemes, and other relevant documents is recommended for detailed references. The City of Albany accepts no responsibility for errors or omissions.