

# Policy No. 79: Undocumented Domestic Building Works

## POLICY MANUAL

<b>Policy No. 79</b>	<b>Undocumented Domestic Building Works</b>
<b>Purpose</b>	The purpose of this Policy is to establish guidelines for a procedure for managing undocumented building works.
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<b>Minute Reference</b>	018/2024
<b>Next Review Date</b>	<b>March 2028</b>

## POLICY

### 1. Definitions

*Undocumented Building Works* Building works carried out without either sufficient documentation or the required building approval, in accordance with the requirements of the *Building Act 2016*.

#### *Class 1a and 10 Domestic Buildings and Structures*

Class 1a A single dwelling being a detached house, or one or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.

Class 10 A non-habitable building or structure:  
Class 10a – a private garage, carport, shed or the like.  
Class 10b – a structure being a fence, mast, antenna, retaining or free standing wall, swimming pool or the like.

*Building Certificate* A certificate issued by the General Manager under Regulation 83 of the *Building Regulations 2016* certifying that the Council does not intend to take any action in relation or the specified building.

*Permit Authority*

An Officer of the Council, appointed by the General Manager to perform the functions under the *Building Act 2016* in respect of building, plumbing and demolition work.

## **2. Objective**

The objectives of this Policy are to provide:

- (a) an appropriate cut-off date whereby building works constructed before 1993 are generally deemed to comply with section 12 of the *Building Act 2016* and the relevant Building regulations, where insufficient records exist; and
- (b) a clear process to establish the legal status of domestic buildings and structures.

## **3. Scope**

The Policy is applicable to existing Class 1a and 10 Domestic buildings and structures where insufficient records exist of building permits or other valid authorisations as prescribed in the *Building Act 2016*.

This Policy is not applicable to any work on any Class 1a and 10 – 9 Commercial buildings.

## **4. Policy**

It is policy that:

1. subject to inspection, any Class 1a building constructed prior to 1993 will be considered to substantially comply with the building control requirements applicable at the date of construction and will not be pursued as illegal building works.
2. subject to inspection, any Class 10 domestic building works which were constructed prior to 1993 will be considered to substantially comply with the building control requirements applicable at the estimated time of construction and will not be pursued as illegal building works.
3. inspection and or required reports for any building works subject to this Policy will be undertaken at the property owner's expense by an accredited building surveyor or other licensed authority deemed by the Council as appropriate.
4. inspection and or assessment is to assess the general compliance with relevant standards at the actual or estimated time of construction and that the works do not present any obvious safety issues and as applicable are suitable for occupation.
5. subject to inspection, Class 10 and Class 1a domestic building works will be considered to be fit for purpose, due to their performance over the last 20 (or more) years.
6. the Council's Permit Authority will determine if a building was built prior to 1993.
7. subject to ensuring the basic health and safety of any occupants of the building, the General Manager may, at the request of the property owner, issue a Building Certificate for a building constructed prior to 1993.

8. in determining a matter under this Policy, the Council may, at its discretion:
  - (a) request additional information in response to a provided report;
  - (b) request or prepare a report to determine the condition of the building works and/or identifying the building works are suitable for occupation, if applicable;
  - (c) determine the year of construction (where possible); and
  - (d) require the property owner to carry out any works required to make the building safe.

## **5. Legislation and Related Standards**

*Building Act 2016*

*Building Regulations 2016*

Meander Valley Council Customer Service Charter

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.