

Fact Sheet

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Expiry of Permits

Duration of permits

Under the *Building Act 2016*, building/plumbing/demolition permits expire:

- if no work has started, within one year of the permit being issued (unless another period for starting work is stated in the permit); or
- if work has started, within two years of the start work authorisation being issued for the work (unless another period for completing the work is stated in the permit).

Some permits issued under the *Building Act 2000* and the *Local Government (Building and Miscellaneous Provisions) Act 1993* were issued without stating an expiry date. If these permits have not been completed, they will now expire if:

- the permit was in force immediately before 1 January 2017;
- the permit has not since expired; and
- there is no other expiry date on the permit.

If a permit meets these criteria, they will now expire on **1 January 2019** unless they are extended.

Law	Section	Provision
Building Act 2016	Duration of Permits	Section 146 (building), Section 161 (plumbing), Section 196 (demolition)
Building Act 2016	Transitional and Savings Provisions	Schedule 2, Part 3, Section 6

How to apply for a permit extension

If an owner wants work to continue under a permit which is due to expire, they will need to apply to the permit authority to have the permit extended beyond 31 December 2018.

The extension application must be made in the [Approved Form](#) and include:

- reports of prior inspections of work (if any); and
- advice from the building surveyor (or plumber/plumbing inspector for plumbing work) on the state of the works.

The permit authority may extend the permit, refuse to extend the permit or request further information. They have 7 days to make this decision. They can charge a fee for the application.

Law	Section	Provision
Building Act 2016	Extension of Duration of Permit	Section 147 (building) Section 173 (plumbing) Section 197 (demolition)

What work needs to be finished before a permit expires?

Before a permit expires, all work that is the subject of the permit must be completed. This includes:

- the building/plumbing/demolition work as defined by the *Building Act 2016*; and
- any other prescribed work including inspections (these are prescribed building services work under the *Occupational Licensing Act 2005*).

The inspection and completion of a permit is to occur before the permit expires. To allow for any building work required as a result of the final inspection, a valid permit is required.

A Certificate of Final Inspection or a Certificate of Completion can be issued without a valid permit. If an owner only needs these certificates to be issued for a project to be 'complete' after a permit has expired, a new permit is not required.

Law	Section	Provision
Building Act 2016	Interpretation – Definition of Building/Plumbing/ Demolition Work	Section 4
Occupational Licensing (Building Services Work) Regulations 2016	Prescribed Work	Regulation 4

What happens if a permit expires before work is finished?

If a permit expires and further building work (including work following final inspection) to continue on the site, a new permit from the permit authority is required. Any work done without a valid permit in place is illegal work.

An application for a new permit must comply with the requirements in the *Building Act 2016*. It will need to use the current forms, fees and supporting documents as per the Director's Specified List. New designs will not be required unless the design has changed or is no longer compliant.

Law	Section	Provision
Building Act 2016	Application for Permit	Section 139 (building) Section 165 (plumbing) Section 190 (demolition)

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