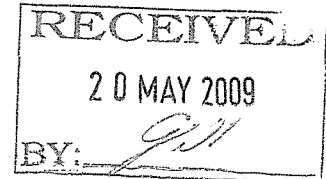


**TREASURER; MINISTER FOR COMMERCE;  
SCIENCE & INNOVATION; HOUSING & WORKS**

Our ref: 30-05001

Mr Paul Grant  
Legislative Council  
Parliament House  
PERTH WA 6000



Dear Mr Grant

**COMMITTEE REPORTS: GOVERNMENT REPOSE LEGISLATIVE  
COUNCIL STANDING ORDER 337**

You have requested a response in relation to Recommendation 2 of *Report 28, Local Laws Regulating Signs and Advertising Devices*, which states:

“The Committee recommends that any Building Bill proposed by the Minister for Housing and Works clearly delineate building from planning matters.”

The *Building Bill 2009* is currently being drafted and the new legislation is expected to be operational in 2010. It is anticipated that the new Building Act will more clearly delineate planning from building matters by better defining the building control environment.

Unlike the current building legislation the Building Act will clearly define “buildings” and “structures incidental to buildings”, providing greater clarity on what is regulated under building control legislation. Defined “buildings” and “structures incidental to buildings” will require building approval prior to construction or erection.

The Building Act will establish the Building Code of Australia (BCA) as the primary building standard, and provisions will establish building standards to take precedence over planning and local laws. Where these are inconsistent with the requirements of the Building Act and BCA they will have no effect to the extent of the inconsistency.

The Building Act will separate planning approval processes from building approval processes. The Act will require all statutory approvals applicable to the building or structure (i.e. planning approval) to be obtained prior to seeking building approval. A building permit will not be issued where planning approval is required under planning legislation and has not yet been granted.

The new Building Act will therefore assist to clarify the regulatory environment in respect of signage and advertising devices. "Structures incidental to buildings" will be defined to include signs and advertising devices that contain substantial structures and, where erected on land zoned for urban purposes or when constructed as part of a building project, they will require building approval through the issue of a building permit.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Troy Buswell', written in a cursive style.

Hon Troy Buswell BEc MLA  
**MINISTER FOR COMMERCE**

12 JULY 2009