



## **BUILDING NOTE**

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### **BUILDING AMENDMENT REGULATIONS (No. 2) 2003 SCHEDULE 1, FORM 2, APPLICATION FOR BUILDING LICENCE**

The Amendment Regulations (No. 2) 2003 will be gazetted on 1 October 2003. The amendment consists of deleting the existing Building Regulation 1989 Schedule 1 Form 2 and inserting a new, amended, form. A copy of the amended form is attached.

The reasons for the amendment were that it had become apparent, to the Department of Housing and Works (DHW) and the Minister for Housing and Works, that the existing prescribed form was not being utilised by many local governments or builders. This situation appears to have contributed to a proliferation of different building licence application forms across Western Australia.

The building industry, particularly the Housing Industry Association, has requested the Minister and Department to update and standardise the building licence application form. This, it argued, is causing unnecessary delays and inefficiency associated with the approval process, particularly where a builder has to liaise with many different local governments.

The Department of Housing and Works supports the use of a uniform building licence application form throughout the State.

The Department is aware of the 'deviation in forms' provision within the *Interpretation Act 1984* which states 'Where a form is prescribed or specified under a written law, deviations therefrom not materially affecting the substance nor likely to mislead shall not invalidate the form used.' However, advice from Crown Solicitor's Office suggests that a local government is legally bound to accept the lodgement of a building licence application form that is properly completed and is based on the prescribed form.

Local governments should not refuse to allow the lodgement of a properly completed prescribed form on the basis that it is not the form that they normally use.

The Department recognises that, for a new form to be widely used, it should be acceptable to the majority of local governments, builders, environmental health officers and building surveyors. The proposed amended form was developed in conjunction with the Housing

Industry Association, the Western Australian Local Government Association and the Australian Institute of Building Surveyors.

Applicants for building licence should be able to download the new form from a variety of web sites, including the Department's web site at { HYPERLINK <http://www.dhw.wa.gov.au> } (look under 'Policy and Planning' and then 'Building Control').

A handwritten signature in black ink, appearing to read "Peter Gow". The signature is written in a cursive, flowing style.

Peter Gow  
EXECUTIVE DIRECTOR OFFICE OF POLICY AND PLANNING

*Building Notes are produced by the Department of Housing and Works (DHW) primarily to inform building surveyors and the building industry. The information contained in this Note is intended for general guidance only and must not be relied upon in any particular set of circumstances. To ascertain your precise rights and obligations, you should consult a building surveyor or other appropriate professional or refer to the applicable legislation.*

*Copies of Building Notes may be obtained from the DHW at 108 Adelaide Terrace, East Perth or by accessing the Department's web-site at [www.dhw.wa.gov.au](http://www.dhw.wa.gov.au).*

## Building licence application

<b>Property where building to be built</b>	Street address	No.:	Street Name:
	Suburb:		Postcode:
	Lot/location No.:		Is lot free of improvements?: yes/no

<b>Property owner(s)</b>  (attach separate page if more than 2)	Name:		Phone:
	Address:		
	Name:		Phone:
	Address:		

<b>Details of work (tick box or boxes)</b>	Type of building to be constructed:			
	<input type="checkbox"/> Single dwelling	<input type="checkbox"/> Patio	<input type="checkbox"/> Swimming pool	<input type="checkbox"/> Warehouse
	<input type="checkbox"/> Grouped dwelling	<input type="checkbox"/> Outbuilding	<input type="checkbox"/> Retaining wall	<input type="checkbox"/> Office
	<input type="checkbox"/> Pergola	<input type="checkbox"/> Factory	<input type="checkbox"/> Shop	
	<input type="checkbox"/> Other (specify)			
	Estimated floor area of building (m <sup>2</sup> ):			
	Estimated value of construction work (including the GST): \$			

<b>Applicant (if applicant is not builder)</b>	Name:		
	Address:		
	Postal Address:		
	Phone (H):	(W):	(Mob):
	Fax:	Email:	
	Signature:		Date:

<b>Applicant (if applicant is builder or owner builder)</b>	Name:		
	Address:		
	Postal Address:		
	Phone (H):	(W):	(Mob):
	Fax:	Email:	
	Applicant's registration number under the <i>Builders' Registration Act 1939</i> :		
	Contact name:		
	Signature:		Date: