



BUILDING NOTE

NUMBER 23-2004

31 August 2004

MULTIPLE BUILDING LICENCES

The purpose of this Building Note is to clarify how local governments should administer Building Licence applications where it is identified that parts of the work are to be carried out by someone other than the licence holder. Local governments frequently receive applications from Builders with notes endorsed on the plans advising of work to be done by the owner or by others.

The *Local Government (Miscellaneous Provisions) Act 1960* states the following at section 374:

(1) *No person shall —*

- (a) *lay out for building, or commence or proceed with a building on, land in a district; or*
- (b) *in respect of the structure of a building already erected on land in a district, amend, alter, extend, or enlarge, or commence or proceed with the amendment, alteration, extension, or enlargement of the structure of the building,*

until he has caused to be submitted to the local government, and the local government has approved by the issue to the person of a building licence in the prescribed form and on payment of the prescribed fee, a copy of the specifications of, and a plan showing clearly, the building or the buildings proposed to be built, or the amendment, alteration, extension, or enlargement proposed to be made, as the case may be, and the area of land to be occupied by each building, or by the amendment, alteration, extension or enlargement of the existing buildings, as the case may be, and the position of the privies and drains and unless he complies with the conditions, if any, that are specified in the licence.

In view of the above legislative requirements, there appear to be no restrictions that prevent the issuing of multiple building licences for various components of the same project. Where plans indicate that certain components of work are to be carried out by others, and the builder clearly indicates that he/she is not applying for a building licence for that component, then the local government may issue separate building licences for those components of work. For example, where an owner or his contractor intends to carry out the site works associated with a proposed building work, the local government may issue a separate Building Licence to that person for the site works.

A building licence should include all the building works for a building, unless the builder specifically requests that certain portions of the works are not to be included. However, the local government should refrain from issuing a building licence for a specific component of a project until it is satisfied that the component, when completed, would comply with the Building Code of Australia and other statutory requirements, and would not need future building work by others to ensure compliance.

Local governments should exercise caution when issuing multiple building licences for a project, as a licence does not bind the licensee to start the works associated with his/her building licence. For example, on the plans it might state, 'balustrades by others' and the builder may request the balustrades not be included on his/her building licence. The issuance of a separate building licence for the balustrades may result in a completed building that complies with the approved plans, yet its balconies and stairways may have no balustrades because the builder responsible for the balustrades decides not to proceed with the works. This is clearly undesirable and, in these circumstances, the local government should insist that the balustrades be included on the main building licence, regardless of any contractual arrangements the licence holder may make.

The local government may also wish to consider placing a condition on each building licence requiring the work be inspected and certified by a competent person or the building surveyor.



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