



Becoming an Owner-Builder

Can I be an owner-builder?

Anyone who carries out 'building' work valued over \$20,000 must be a registered builder or an approved owner-builder before applying for a building permit from the local government.

Under the *Building Services (Registration) Act 2011*, owner-builders will be required to obtain approval from the Building Services Board, administered by the Building Commission, before obtaining a building permit to carry out owner-builder work on their land.

Applicants are required to provide evidence of their ownership of the land and demonstrate that they have sufficient knowledge of the duties and responsibilities of an owner-builder.

What can an owner-builder build?

Owner-builder work consists of the following:

- **Class 1a (i)** - a single dwelling being a detached house. This includes an extension to a house or a habitable dwelling on the same property but separate to the main house such as a granny flat;
- **Class 10 buildings** - being a non-habitable building such as a private garage, carport, shed or the like; or
- **Small commercial building** - being a one or two storey building with a floor space of less than 500m² that is not a detached house, Class 10 building or farm building.

Timeframe

An owner-builder approval expires six months from when it is granted, or on the day that the local government refuses the owner-builder's application for a building permit. Otherwise the approval lasts for the duration of the building permit.

How to become an owner-builder

To obtain owner-builder approval all the owners of the land must submit the following to the Building Commission:

- a Personal Details of Land Owner(s) form for each land owner supported by certified copies of photo ID;
- a Property Details form setting out the type of owner-builder work to be carried out, together with a current land title search (available through Landgate);
- a Statutory Declaration signed by each land owner declaring that you have not been issued a building licence or permit as an owner-builder within the past six years;
- evidence to demonstrate sufficient knowledge of the duties and responsibilities of an owner-builder. Evidence can include proof of completion of a course for owner-builders or registration as a building service practitioner; and
- payment of the application fee.

An application package is available to download from www.buildingcommission.wa.gov.au or by calling 1300 489 099.

Penalties apply for failing to obtain a building permit before commencing building work.

Can I build Again?

Owner-builders can only be issued with a building permit once every six years unless they have received a special exemption from the Building Services Board.

If you have been issued with a building licence or permit by the local government within the last six years, it is an offence to declare that you have not.

If someone recommends that you obtain approval as an owner-builder but they take care of and organise all the work, you are putting yourself at significant risk.

Your Duties and Responsibilities

Supervision of building work

As an owner-builder you have control over the building project and you are legally responsible for the entire project from start to finish, and for at least six years after. Further, you will be liable if the building work does not comply with all building standards and safety regulations.

Owner-builders are responsible for the supervision of the building work and may choose to:

- undertake all or part of the building work themselves (except where licensed tradespersons are required by law, such as electricians and plumbers);
- contract out all or part of the building work to a registered builder and/or tradespersons; or
- engage a registered builder to oversee part or all of the work.

Please note that contracting out any of the work does not lessen an owner-builder's responsibility.

Your responsibilities

Owner-builders take on many of the responsibilities of a registered builder. They include:

- the standard of the building work and structural soundness of the building for a minimum of six years after the building is built; and
- complying with all building standards including the Building Code of Australia, safety regulations under the *Occupational Safety & Health Act 1984*, and being aware of insurance obligations.

Displaying a sign

While your building is being constructed you must affix or erect a sign of reasonable dimensions, clearly showing your name, the approval number issued by the Building Services Board and your telephone number.

Home Building Contracts Act

The *Home Building Contracts Act 1991* (HBC Act) applies to any person undertaking home building or associated work for a home owner, including owner-builders.

The HBC Act establishes certain contractual requirements in relation to carrying out 'home building work' and applies to contracts valued between \$7,500 and \$500,000.

As an owner-builder, you may be entering into 'home building contracts' with contractors. It is important to be aware of the requirements of this legislation.

Home Indemnity Insurance

Owner-builders are responsible for the building work for a minimum of six years.

If you sell your home within seven years from the date of a building licence or permit being issued, you are required under the *Home Building Contracts Act 1991* to have in place a policy of home indemnity insurance which covers subsequent owners if problems with the building develop and the owner-builder fails to rectify faulty or unsatisfactory workmanship due to disappearance, death or insolvency.

The home indemnity insurance policy must cover the purchaser of the home and subsequent owners for the remainder of the seven year period.

For further information:

Building Commission

Level 1, 31 Troode St
WEST PERTH WA 6005

Ph: 1300 489 099

E: Info@buildingcommission.wa.gov.au

www.buildingcommission.wa.gov.au





Owner Builder Approval Application Guidelines

Authorisation

Building work which requires a building permit can only be carried out by a registered building contractor or an authorised owner builder. These authorisations are issued by the Building Services Board ('the Board'). The Board registers builders and grants owner builder approvals under the *Building Services (Registration) Act 2011* ('the Act').

Owner-builder work, which means:

- **Class 1a (i)** – a single dwelling being a detached house. This includes an extension to a house or a habitable building on the same property but separate to the main house such as a granny flat;
- **Class 10** - buildings being a non-habitable building such as a private garage, carport, shed or the like; or
- **Small commercial building** – being a one or two storey building with a floor space of less than 500m² that is not a detached house, Class 10 building or farm building.

An owner builder approval is not a building licence or permit. If granted an owner builder approval you will need to provide the approval to your local government for a building licence or permit to commence building.

Important Information for Applicants

It is considered a serious offence to make a statement or provide or cause to be provided information that you know is false or with reckless regard as to whether or not the statement or information is false or misleading in a material particular as part of this application or to the Building Commission / Building Services Board in general. This offence carries a **penalty of \$25,000**.

Owner builder approvals can only be issued to individuals and not corporate bodies or trusts. At least one of the owners of the land must be able to demonstrate to the Board sufficient knowledge of the duties and responsibilities of an owner builder. One way this knowledge can be obtained is through attending an owner builder course such as the one day course offered at Home Base Expo, Subiaco.

Owner builder approvals are issued to all owners of the land. All owners must be party to this application and sign the statutory declaration. Applicants are not eligible, excluding exceptional circumstances, for the issue of an owner builder approval if one has been issued to them within the previous six years. Approvals are valid for six months from date of granting.

At least one of the owners of the land must reside, continue to reside or intend to reside, on the land in which the building work is to be carried out on when the work is completed. In the case of commercial building work the applicant must intend to occupy or use the land in which the owner builder work is to be carried out on when the work is completed.

If you are issued with an owner builder approval you must act as the builder of the work. This means that you must have the day to day management and supervision of the work. **If a person recommends that you obtain an owner builder approval in your name and that they will organise all the work, you should contact the Building Commission on 1 300 489 099.**

If granted an owner builder approval, you must attach a sign to the owner builder site which displays your name, telephone number and approval number. The sign must be located in a prominent position in the site, be able to be read from outside the site and be of reasonable dimensions and written in clear legible letters.

You may enter into a contract to sell or otherwise dispose of a dwelling built under an owner builder approval at any time unless you have previously been registered as a builder under the *Builders Registration Act 1939* or are building contractor. However if sold within seven years of the issue of the building approval, a home indemnity insurance policy must be in force and been provided to the purchaser.

If any party to the owner builder approval is a building practitioner, the land to which the owner builder approval applies cannot be sold within three years of obtaining the approval, without first obtaining the written consent of the Building Commissioner.

Completing your application

The application package includes the following forms:

- property details;
- personal details of land owner(s) – one form completed for each land owner; and
- statutory declaration - signed by each land owner.

The application package must be completed correctly and accurately and must be signed by an authorised witness.

The application package and supporting documentation must be the original documents or certified copies (where appropriate). Faxed, emailed or altered (correction tape or liquid paper) copies cannot be accepted.

Further details about your obligations as an owner builder are contained in the booklet entitled "Thinking of Building Your Own Home", available free of charge from your local government, the Building Commission's website at www.buildingcommission.wa.gov.au or telephone the Building Commission on 1300 489 099.

Supporting documentation

The following documents must be provided as part of the owner builder approval application package:

- Current land title search as evidence of land ownership. This is available through Landgate.
- Evidence that at least one of the applicants hold knowledge of the duties and responsibilities of an owner builder. Evidence includes proof of completing a course for owner builders, relevant experience, expert advice or by being a registered building practitioner.
- A written statement of works outlining the proposed building activity, including plans to engage appropriate trades and licensed trades (such as plumbers and electricians) and other expert assistance.
- Building drawings demonstrating a responsible level of detail for the construction of the proposed building..
- Certified copies of a photographic identity document (passport, driver's licence, or proof of age card) for each applicant / land owner.
- Payment slip.

Lodging your application

Applications can be lodged



In person (at):

The Building Commission
Level 1, 31 Troode Street
West Perth WA 6005
Mon – Fri 8:30am – 5:00pm



By post (addressed to):

The Building Services Board
c/o the Building Commission Licensing Branch
Locked Bag 12
West Perth WA 6872

Incomplete or incorrect applications will cause delays. This application must be lodged with the Building Commission prior to a building permit being issued by your local government.

Payment

The application fee for an owner builder approval for a detached house or Class 10 building is \$140*.

The application fee for a small commercial building is \$425*.

*Application fees are non-refundable.

Payment methods

Online (credit card) at www.buildingcommission.wa.gov.au

Post (credit card, cheque or money order)

In person (cash, eftpos, credit card, cheque, or money order)

Payment slip

Applicant name: _____

Contact telephone number: _____

Amount payable: _____

Payment method: visa card , master card , cheque , money order , online

Online receipt number: _____

For credit card transactions:

Card holder name: _____

Card number : _____ Expiry Date (MM/YYYY): _____

Card holder's signature: _____



Application for Owner Builder Approval

Refer to the application guidelines for assistance in completing this application form

Use a pen and write neatly in BLOCK LETTERS. Tick where appropriate

Property details

Lot number: _____ Street / House number: _____

Street Name: _____

Suburb: _____ PostCode: _____

Local Government: _____

Indicate scope of works:

Detached dwelling , Class 10 building (garage, pergola, shed) , Small commercial building

Details of the type of work to be carried out under the owner builder approval:

Estimated value of the work: \$ _____

Name(s) of the land owner(s) who intend(s) to reside on / use this property once construction is complete:

Note you must provide a current land title search as part of this application.



Personal details

If there is more than one owner of the property complete, one of these forms for the each land owner and submit as part of this application.

Salutation: please circle correct title: Mr Mrs Ms Other: (list other title) _____

Surname:

Given Name(s):

Have you been known by any other names? Yes / No (if yes provide full details on separate page)

Residential Address:

Post Code:

Postal Address:

Post Code:

Date of Birth: Place / Country of Birth:

Telephone details: Home: Area Code ()

Work: Area Code ()

Mobile:

Email:

Proof of identity

Photographic proof of identity is required for each land owner party to this application. Photographic identification includes passport, drivers licence or an alternative identification such as proof of age card, public service employee identification, occupational licence, or student identification card issued by an Australian educational institution.

Note that a certified copy of one these identity documents must be lodged with this form as part of your application.



Statutory Declaration

I / We (strike out which ever does not apply) the owners of:

Lot number: _____ Street / House number: _____ Street name: _____

Suburb: _____ Post Code: _____

am / are applicant(s) for an owner builder approval for this property sincerely declare that the information in this application and attached supporting documentation is true and correct and that I / we have read and understand the "Important Information to Applicants" section provided as part of this guidelines for this application.

I / We have not been issued with any building licence or permit within the last six years pursuant to section 4A(1)(c) of the *Builders' Registration Act 1939* or section 43 of the *Building Services (Registration) Act 2011*.

I / We further sincerely declare that I / we **am / are** aware that as the holder(s) of the owner builder licence or permit issued by a local government that I / we must act as the builder of the work, undertake all the supervision and day to day management of the building, and that it is an offence to:

1. Enter into a contract to sell or otherwise dispose of a dwelling constructed pursuant to an owner builder licence or permit within seven years of the issue of the building licence or permit unless a policy of home indemnity insurance is in force.
2. Not attach a sign to the building site showing in legible letters, my / our name, telephone number and the building approval number.

This declaration is true and I / we know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Name and signature of each land owner*:

Name	Occupation	Signature

Declared at: _____
(place)

In the State of _____ On: _____
(e.g. Western Australia) (date)

Before me: _____
(Signature of Authorised Witness)

Name of Witness _____

Qualification of _____
Authorised Witness

*If more than 5 property owners, complete an additional Statutory Declaration and submit as part of the application package.

Authorised Witnesses

The following are persons who may witness Statutory Declarations as well as certify copies of original documents pursuant to the *Oaths, Affidavits and Statutory Declarations Act 2005* in Western Australia.

1. Academic (post-secondary institution)
2. Accountant
3. Architect
4. Australian Consular Officer
5. Australian Diplomatic Officer
6. Bailiff
7. Bank manager
8. Chartered secretary
9. Chemist
10. Chiropractor
11. Company auditor or liquidator
12. Court officer
13. Defence force officer
14. Dentist
15. Doctor
16. Electorate officer of a member of State Parliament
17. Engineer
18. Industrial organisation secretary
19. Insurance broker
20. Justice of the Peace
21. Landgate officer
22. Lawyer
23. Local government CEO or deputy CEO
24. Local government councillor
25. Loss adjuster
26. Marriage celebrant
27. Member of Parliament
28. Minister of religion
29. Nurse
30. Optometrist
31. Patent attorney
32. Physiotherapist
33. Podiatrist
34. Police officer
35. Post office manager
36. Psychologist
37. Public notary
38. Public servant (Commonwealth)
39. Public servant (State)
40. Real estate agent
41. Settlement agent
42. Sheriff or deputy sheriff
43. Surveyor
44. Teacher
45. Tribunal officer
46. Veterinary surgeon

Or any other person whom under the *Statutory Declarations Act 1959* of the Commonwealth a Statutory Declaration may be made.