Form 75: Approval – Owner-builder

Owner-builder approval

Owner-builder approval entitles a landowner (or person with an interest in the land prescribed by the *Building Regulations 2012* (the Regulations)) to be named as the builder on a building permit.

Eligibility for owner-builder approval

To be eligible to apply for owner-builder approval an applicant must:

- be an owner of the land or have an interest in the land prescribed by the Regulations (as described below);
- be an individual (not a corporate body, trust or other entity. In these circumstances, a leasehold interest in the land is required);
- have, or at least one of the applicants must have, sufficient knowledge of the duties and responsibilities of an owner-builder;
- not have been granted a building permit as an owner-builder within the last six years (or must have applied to the Building Services Board (the Board) to waive this requirement; see page 9 for waiver); and
- intend to live on, occupy or use the land (depending on the type of building the work relates to) when the work is completed.

Owner-builder work

Owner-builder work is building work in relation to:

(a) A detached house: A building that is a Class 1a(i) building for the purposes of the Building Code of Australia (Building Code). That is, a free-standing residential building where the applicant intends to reside.

(b) A Class 10 building: A non-habitable building or structure including a private garage, carport, shed or the like.

(c) A small commercial building: A one or two storey building with a floor area of less than 500 m² that is not a detached house, a Class 10 building or a farm building and is intended as the owner's workplace.

Important:

- Work on a Class 1a(ii) building cannot be considered owner-builder work.
- Floor area is calculated on the floor area of the whole building not only the section being renovated/built.

Ownership of land

An 'owner', for the purpose of granting owner-builder approval, means a person:

- whose name is on the certificate of title as a proprietor of the land; or
- who holds one of the following prescribed interests in the land:
  - a leasehold interest in land if the terms of the lease allow the lessee to undertake building work without the consent of each person whose name is registered as a proprietor of the land; or
  - an interest, as purchaser under a contract to purchase an estate in fee simple, in the land.

Leasehold interest

If the applicant is leasing the land, the lease document should name the registered proprietor as the lessor and the applicant as the lessee.
Broadly speaking, all leases must:

- identify the parcel of land;
- include the full name of the lessor;
- include the full name of the lessee;
- specify the lease term (length of time);
- contain a clause granting exclusive possession of the land to the applicant;
- contain a clause/term allowing the lessee to undertake building work without the consent of each person whose name is registered as a proprietor of the land;
- include details of payment as consideration/rent (may be token dollar value); and
- be signed and dated by both parties.

Interest as purchaser

If the applicant is in the process of purchasing the land, the contract to purchase must name the registered proprietor as the seller, the applicant as the purchaser and be dated within the last three months.

More than one owner

An application for owner-builder approval must be signed by each owner of the land. If an application is signed by more than one person, a reference in this form to the 'applicant' is a reference to each of these persons.

Responsibilities

Under the law, an owner-builder takes on the responsibilities of a builder, such as:

- obtaining a building permit and other approvals before commencing construction;
- ensuring proper management and supervision of the works;
- complying with building standards and with requirements applicable when building work may affect other people or other land; and
- complying with occupational health and safety and other requirements applicable to building work.

Like a registered builder, an owner-builder may be liable for defects that become apparent when the building is in use.

Applying for a building permit

Landowners wanting to carry out owner-builder work must have owner-builder approval from the Board before being granted a building permit from a permit authority under section 20 of the *Building Act 2011.*

When an owner-builder approval expires

An owner-builder approval expires six months after it is granted unless the approval holder applies for a building permit within this time.

If the owner-builder applies for a building permit and the permit is refused, the owner-builder approval expires when the building permit is refused. If the building permit is issued the owner-builder approval expires when the building is complete.

Home indemnity insurance

If an owner-builder sells their dwelling within seven years of the issue of the building permit, the owner-builder must provide the purchaser with home indemnity insurance issued in accordance with the *Home Building Contracts Act 1991.*

Registered building contractor exemption

Registered building contractors (individuals) intending to build their own principal place of residence may seek exemption from the requirement to obtain home indemnity insurance by submitting a Form 74, 'Registered Building Contractor – Building a Principal Place of Residence' statutory declaration. This form may be downloaded from the department's website here: Statutory Declaration.

Lodging your Application

**Applications will not be assessed for completeness upon lodgement. Your application will be assessed following allocation to a Licensing Officer.*

Complete and sign your application before lodging it in one of the following three ways.

Online	Submit your application and pay online: Owner-Builder Approval online submission
Post	Pay by credit card using our payment slip Owner Builder application - payment form or through cheque or money order made payable to: Department of Local Government, Industry Regulation and Safety Licensing Services Branch Locked Bag 14 CLOISTER SQUARE WA 6850
In person	Lodge your application and pay by cash, cheque, money order or card at the customer service counter. Monday to Friday, 8:30am to 4:30pm Level 1, 303 Sevenoaks Street CANNINGTON WA 6107

- BPAY is not available for this application.
- Fax and email lodgement are not available for this application.

Incomplete applications

The department cannot process incomplete applications. If you do not provide the required information, your application will lapse and the fee will be forfeited.

Return of documents

The department does not return documents lodged with applications. If you need a copy of your application or attached documents, please make a copy before you lodge your application.

Checklist

Use this checklist to ensure that you have completed all parts of your application and attached all required documents.

- ❑ Contact details provided for each owner/applicant.
- ❑ Evidence provided of owner/applicant knowledge of the duties and responsibilities of an owner-builder.
- ❑ Evidence of Proof of Interest in the Land (copy of certificate of title/leasehold arrangement/contract to purchase) dated within the last three months.
- ❑ Confirmed intention to reside at, occupy, or make use of this building upon completion.
- ❑ Site address of owner-builder project provided.
- ❑ Description of proposed owner-builder work.
- ❑ Request to waive six-year limit completed if applicable.
- ❑ Declaration signed and dated by each owner/applicant.
- ❑ Make payment.

After your application is lodged

If your application is incomplete, or the information provided is insufficient, you will be contacted to provide additional details. When the department is satisfied that your application is complete and payment has been received, your application will be assessed and determined. You will be notified of the outcome as soon as possible.

SAT review of decisions

Decisions to refuse an application or to impose a condition on an approval can be reviewed by the State Administrative Tribunal. Applications for SAT review must be made within 28 days of notification of the decision.

More information

If you need help completing this form, information about the status of your application or have questions about owner-builder approvals generally, please call 1300 489 099, or email: ownerbuilders@lgirs.wa.gov.au

If you need help confirming that the work you want to do qualifies as owner-builder work, refer to the Department of Local Government, Industry Regulation and Safety (LGIRS) website, speak to your local government authority or a licensed building surveyor.

Your application cannot be assessed unless all sections are completed and all attachments are provided.

Landowners/applicant

Please provide all the required information below. Where there are more than two owners, please attach an additional page listing each owner's details.

Owner/applicant 1 – personal details – owner/applicant with the knowledge of the duties and responsibilities of an owner builder (primary contact)

Family name

First name

Other name(s)

Date of birth

Address and contact details (applicant 1)

Street address

Suburb

State

Postcode

Daytime contact

Email

Owner/applicant 2 – personal details

Family name

First name

Other name(s)

Date of birth

Address and contact details (applicant 2)

Street address

Suburb

State

Postcode

Daytime contact

Email

Owner-builder knowledge

Nominate the owner/applicant who can demonstrate knowledge of the duties and responsibilities of an owner-builder.

Full name

Sufficient knowledge of the duties and responsibilities of being an owner-builder

There are four broad means by which applicants can demonstrate they possess sufficient knowledge of the duties and responsibilities of an owner-builder to meet the requirements of section 43(2)(b)(ii) of the *Building Services (Registrations) Act* (BSR Act).

Pathway 1

Completion of an owner-builder course relevant to Western Australia no more than two years prior to the date of this application. Attached ❑

And

Provide a copy of the white/blue card or other document showing that the owner/applicant has completed the unit of competency, 'Prepare to work safely in the construction industry'. Attached ❑

Pathway 2

Current registration as a Building Practitioner in Western Australia.

Provide your licence/registration number:

Pathway 3

Current registration in the Building Industry not prescribed under section 43(3)(b) BSR Act (e.g. registered architects, registered building surveyors, registered building engineers).

Provide your licence/registration number:

And

Provide a copy of the white/blue card or other document showing that the owner/applicant has completed the unit of competency, 'Prepare to work safely in the construction industry'. Attached ❑

Pathway 4

Previous registration as a building practitioner or in the building industry not prescribed under section 43(3)(b) of the BSR Act (e.g. registered architects, registered building surveyors, registered building engineers) within five years of the time of application.

Provide a copy of your expired licence/ registration document. Attached ❑

And

Provide a copy of the white/blue card or other document showing that the owner/applicant has completed the unit of competency, 'Prepare to work safely in the construction industry'. Attached ❑

Proof of interest in the land

Provide one of the following as evidence of 'ownership' (including prescribed interests in the land).

Certificate of Title

1. A copy of the Certificate of Title (CoT) naming the applicant as the registered proprietor of the land and issued by Landgate **within the last three months**. Attached ❑

Or

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2. Interest as purchaser

   A copy of a contract to purchase an estate, in fee simple, in the land (freehold purchase) showing the applicant as the purchaser **dated within the last three months**. Attached ❑

   Or

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3. Leasehold interest

   A copy of the lease document. Attached ❑

   And

   A copy of the CoT naming the lessor as the registered proprietor of the land and issued by Landgate **within the last three months**. Attached ❑

Checklist for lease document

- ❑ Description of land (volume and folio number as shown on the CoT).
- ❑ Full name of lessor.
- ❑ Full name of lessee (applicant).
- ❑ Term of lease.
- ❑ Clause granting exclusive possession of the land to the applicant.
- ❑ Clause or terms that allow the lessee to undertake building work without the consent of each person whose name is registered as a proprietor of the land.
- ❑ Details of yearly rental (does not need to be at a commercial rate).
- ❑ Witnessed signature of both parties (must also include date witnessed).

Note: A prescribed residential tenancy agreement under the *Residential Tenancies Act 1987* will not serve for the lease of owner-builder approval.

Form 75: Approval – Owner-builder

Site address of owner-builder project

Lot number

Street number

Street

Suburb

Postcode

Local Government

Proposed owner-builder work

Refer to the LGIRS owner-builder website for further information on what constitutes owner-builder work.

Please confirm the class(es) of owner-builder work you intend to carry out. A Class 1a(i) and a Class 10 can be applied for on the same application.

An owner builder can build, renovate or extend the following types of buildings:

- ❑ **Class 1a(i) detached house** – A building that is a Class 1a(i) building for the purposes of the Building Code. That is free-standing residential building where the applicant intends to reside or a habitable building on the same property but separate from the main house, such as a granny flat (new, renovated, extended detached house; ancillary dwelling, or transportable); and/or
- ❑ **Class 10** – A non-habitable building or structure including a private garage, carport, store, shed or the like;
- ❑ **Small commercial building** – A one or two storey building with a total floor area of less than 500m² that is not a detached house, a Class 10 building, or a farm building and is intended as the owner's workplace (new, renovated, extended, or fit-out).

Important: A building permit will not be issued for work which is not one of the above categories of owner-builder work. It is your responsibility to confirm that the work you want to undertake falls within one of these categories. Building work associated with a Class 1a(ii) (attached) building is not eligible for owner-builder work in Western Australia.

Description of owner-builder project

Indicate the type of owner-builder work you are applying for:

Class 1a(i) Detached House (Attached buildings, such as a duplex, are NOT eligible for Owner-builder approval)	❑ Construction of a new detached house (e.g. detached dwelling). ❑ Major renovation of a detached house (e.g. kitchen, bathroom, structural changes). ❑ Extension of an existing detached house (e.g. adding bedrooms, living areas). ❑ Granny flat or ancillary dwelling (e.g. detached studio, games room, pool house, office space). ❑ Habitable shed or outbuilding construction (e.g. shed building with kitchen and toilet facilities).
Class 10	❑ Non-habitable shed or outbuilding construction (e.g. non-habitable). ❑ Garage or carport construction (freestanding or attached to existing building). ❑ Deck, pergola, or verandah installation.
Small Commercial Building	❑ New small commercial building construction (e.g. shop, office or factory with a total floor area of less than 500 m² and a maximum of two storeys high). ❑ Fit out/renovation of a small commercial building (with a total floor area of less than 500 m² and a maximum of two storeys high).

Use of the building

Owner-builder approval can only be granted to persons who own (or have a prescribed interest in) the land *and* who intend to reside at, occupy, or make personal use of the land when the building work is complete (depending on the type of building the work relates to).

❑ Yes, I/we intend to reside on this land when the building work is completed that relates to a **detached house (Class 1a(i))**.

Or

❑ Yes, I/we intend to occupy or make use of this land when the building work is completed that relates to a **Class 10 building** or **small commercial building**.

Request to waive six-year limit

The BSR Act applies a limit of one owner builder approval every six years except where:

(a) the building permit was to carry out owner-builder work on the same land to which the application relates; or

(b) the circumstances of the applicant have changed since the building permit was issued and the applicant would suffer hardship if the application was refused.

If you have received a building permit as an owner-builder in the past six years and would like the Board to waive the prohibition on issuing a new one, you must complete this section.

Details of previous owner-builder approval

1. Owner-builder approval number: ☐

2. Date building permit was issued: ☐

Please attach a copy of your building permit. Attached ❑

Justification for waiver

Please select the option below which best describes your circumstances:

1. Owner-builder work on the same land

The building permit was to carry out owner-builder work on the same land to which the current application relates. ❑

Or

2. Change in circumstances

My/our circumstances have changed since the above building permit was issued and I/we would suffer hardship if the current application were refused. ❑

Provide a statement below outlining your change in circumstances and the hardship that will be suffered if your application is refused.

Declaration by applicant/s

Declaration

I/we declare that:

1. The information and documents given with or in support of this application, whether or not provided at the time of, or subsequent to, lodgement, are true and correct.
2. I/we understand that providing a false or misleading statement in an application is an offence under section 99 of the BSR Act.
3. I/we have confirmed that the building work we intend to undertake qualifies as owner-builder work in accordance with the BSR Act.

Signature of owner 1

Signature of owner 2

Full name of owner/applicant 1

Full name of owner/applicant 2

Date

Date

An application for owner-builder approval must be signed by each owner of the land. Attach another copy of this page if there are more than two owners N/A ❑ Attached ❑