

All you need to know about becoming an owner-builder



Owner-builder

Application Kit and
Information Statement



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Thinking of Building Your Own Home?



Building or renovating your home is an exciting time. It involves large sums of money and a range of risks, which makes it important to be well informed.

Having greater control over the building project is attractive to many people, but it is important to be aware of the responsibilities and obligations of being an owner-builder. You are legally responsible for the project from start to finish. Certain responsibilities occur for six and a half years after completion (refer page 25).

In addition, you will also be liable if the building work fails to comply with the relevant building regulations and safety standards.

Building a home involves a large number of tasks, so to be successful as an owner-builder requires a strong knowledge base and a range of skills beyond building, including project planning, supervision, financial management and communication.

If someone has recommended that you become an owner-builder but they take care of and organise all the work – you are putting yourself at significant risk.

Do you have what it takes to be an owner-builder?

Your Building Knowledge

The following list of questions will assist you in checking whether you have the skills and knowledge to be an owner-builder:

- Can you interpret detailed plans and specifications?
- Are you capable to supervise all construction work?
- Do you have the ability to co-ordinate the flow of work by sub-contractors to enable you to complete your domestic building project on time and on budget?
- Are you able to handle financial or contractual disputes with sub-contractors and suppliers?
- Can you be available onsite to receive materials and ensure that they comply with specifications, required quantity and quality?
- Do you have the ability to distinguish technically what is bad building work?
- Do you have the experience to establish the value of work completed to enable you to make accurate progress payments to trade contractors and suppliers?
- Have you accounted for potential material and labour cost increases that may occur during construction?
- Do you know how to determine if your land contains reactive clay or other problem soils and if so, what action must be taken to overcome the problems to ensure the footings are structurally sound?

- Can you site the building on the property or do you need a land surveyor?
- Are you aware of the exact boundaries of your land?
- Do you know how to organise insurance to cover liability for personal injury and adequate insurance to cover the work against hazards such as fire, storm damage, theft, public risk and accidents with your insurance company or broker? Have you budgeted for this cost?

Registered domestic builders are trained to provide all of these services and are responsible for the construction and satisfactory performance of your home.

They also have the knowledge and qualifications to ensure that structural work is undertaken to the standards of the Building Code of Australia.



Do not make the decision to owner-build lightly.

Unless you are confident that you have the knowledge of these requirements, you should seriously reconsider if becoming an owner-builder is the right choice for you.



Your home is one of your most important investments – it is worth consulting with a registered builder from the start to finish of your building project.

Owner-building can be risky



As an owner-builder, you should learn about risks associated with:

- **Asbestos and renovations**
- **Health and safety obligations**
- **Contractual requirements**
- **Building in a bushfire prone area**
- **Building a swimming pool**
- **Insurance**

An owner-builder assumes the responsibilities, risks and liabilities of a builder. The level of those responsibilities, risks and liabilities depends on the extent of the building work undertaken by the owner. These risks may include:

Financial risks

- Project cost increases.
- Rectification work due to faulty workmanship and/or non-compliance.
- Variations from the original plans.
- Loss by theft or fire on the site.
- Site protection costs (security, safety).
- Occupational health and safety claims.
- Adjoining property owner claims.

- Compliance with regulations (building standards, planning requirements and occupational health and safety etc).
- Technical ability to direct and assess workmanship.

Time risks

- Identification and engagement of suitable tradespeople.
- Co-ordination and continuity of work.
- Completion of work.

Future risks

- Cost of insuring prospective purchasers.
- Claims by purchaser.

Insurance

Risks are reduced if the owner-builder enters into a major domestic building contract with a Registered Building Practitioner if that part of the building work exceeds \$5,000. Where the contract sum exceeds \$12,000 and the contractor is required to provide insurance, risks are further reduced.

As an owner-builder, you need to ensure that you have appropriate workplace and public safety insurance policies in place. You should also consider purchasing policies to protect yourself against fire and theft.*

When building in close proximity to the boundary, protection work may be required. If this is the case, you must also provide a contract of insurance for adjoining property protection during construction and 12 months following completion.*



Quality risks

- Adequacy of drawings and specifications.
- Standard of workmanship by others.

*You should contact an appropriate insurance provider for more information on this process (see owner-builder contacts page 27)

The facts about being an owner-builder

In Victoria owner-builders can only build or renovate one home every three years.*

If you think this relates to you, then it is important that you understand the content of this application kit.

That way you should have the necessary information to help you determine if you are in fact a genuine owner-builder. You should also be aware of the most obvious risks and responsibilities that an owner-builder faces.

If you have further questions, please contact the Building Commission on **1300 815 127**.



Who is an owner-builder?

To be an owner-builder you:

Must own (or co-own with others) the land on which building work is to be carried out.

- If the land is owned by a body corporate (company) or is the subject of a trust, the owner-builder must be a director of the company or a beneficiary of the trust
- Body corporate directors and trust beneficiaries will need written permission from the body corporate or trustees to apply for an owner-builder certificate of consent
- Similarly, if the land is owned by more than one person, the owner-builder will need the written permission of all other owners.



Do not intend to sell the building immediately or rent and will reside or intend to reside in your owner-built home.

May undertake all or part of the domestic building work – except in areas that require licensed tradespeople, such as electricians and plumbers (unless you are either an electrician or plumber).

Arrange and contract out part or parts of the building work to qualified tradespeople or building practitioners registered in the appropriate category.

*Refer to Section 5, page 41.

*Genuine owner-builders are not in the 'business of building'.
They set out to make themselves a home, rather than develop property
for investment purposes.*

The facts about being an owner-builder

(continued)



A buyer of your home who finds defective building work, that did not appear on the required defects report, can make a claim against you for breach of statutory warranties. If the defective work was carried out by a Registered Building Practitioner, then you may have a claim against that practitioner. Owner-builder domestic building insurance only covers situations where the owner-builder is dead, has disappeared or is insolvent.

What are the responsibilities of an owner-builder?

Owner-builders take on many responsibilities similar to a builder, including:

- Owner-builders need to obtain a certificate of consent.
- Obtaining all permits required.



- Supervising building work and/or carrying out all or part of the work themselves.
- Ensuring the work meets relevant building regulations, standards and other laws.
- Ensuring there is a site sign of reasonable dimensions posted on the property clearly showing: owner-builder name, and contact details along with the details of your relevant building surveyor, building permit number and issue date.



- Ensuring that a copy of the building permit and one set of approved plans, specifications and documents relating to the permit are available for inspection at the building site.
- Arranging for building inspections by the relevant building surveyor as required by law at particular stages of the building work.
- Obtaining an occupancy permit or certificate of final inspection from the relevant building surveyor on completion of work.
- When selling an owner-built home within six years the owner-builder will provide owner-builder warranty insurance cover and a technical inspection report to the purchaser. You should contact an appropriate insurance provider for more information on this process (see *Owner-Builder contacts page 27*).

If you, as an owner-builder, contract out part of the work to a Registered Building Practitioner or tradesperson then your responsibilities may be different (see *Engaging builders and tradespeople*).

If you engage a Registered Building Practitioner to undertake domestic building work - according to the terms of your contract, the Registered Building Practitioner will be responsible for that part of the building work and ensuring that the work meets relevant building regulations, standards and other laws.

Engaging an unregistered building practitioner may void the validity of any domestic building insurance you obtain OR the owner-builder warranty insurance you are required to provide when selling your owner-built home.

As an owner-builder you:

- Will need to obtain an owner-builder certificate of consent from the Building Practitioners Board in order to obtain a building permit to carry out domestic building work where the cost is more than \$12,000.
- Can only obtain a certificate of consent if you or a co-owner of any land have not been issued with a building permit to carry out work as an owner-builder in the previous three years.

Exceptions are:

 - Where you have been issued with an owner-builder building permit for building work that relates to the same dwelling;
 - Where the co-owner has had a building permit for the same land; and
 - The Board may exempt an applicant in special circumstances.
- Must reside, continue to reside or intend to reside in the single home upon completion of works.
- Must be the owner of the property (registered proprietor on certificate of title).

What work can an owner-builder undertake?

The Victorian owner-builder certificate of consent legislation relates specifically to domestic building work.

Typical domestic building work includes:

- The erection or construction of a home, including any associated work, such as landscaping, paving, retaining walls, driveways, garages, carports, swimming pools and spas.
- The renovation, alteration, extension, improvement or repair of a home.

For full definitions of domestic building work, refer to the *Domestic Building Contracts Act 1995* and *Domestic Building Contracts Regulations 2007*.

Commercial building work can be undertaken as an owner-builder without the requirement of an owner-builder certificate of consent.

The building surveyor you appoint will be able to clarify this situation.



If you engage a number of builders to construct various parts of the work and also do some small components yourself, you ARE an owner-builder.

An owner-builder certificate of consent is written approval from the Building Practitioners Board that enables you to obtain a building permit to carry out domestic building work as an owner-builder on your land. A certificate of consent is NOT a guarantee that you will be issued with a building permit.

Understanding the building process

Starting out on a building project

For those who don't understand the building control system, there can be many pitfalls when undertaking a building project. The law relating to building is not just designed for new houses or major renovations; it covers many smaller projects such as:

- Retaining walls
- Swimming pools, spas and safety barriers
- Boundary walls and fences
- Structural alterations
- Garages, carports, verandas and pergolas.

It is useful to obtain as much information as you can to plan your project. *Building and Renovating – A Guide for Consumers* from Consumer Affairs Victoria is recommended. The guide includes information about financing your project and selecting tradespeople, and covers matters such as insurance.

Download the guide from the Consumer Affairs Victoria website: www.consumer.vic.gov.au

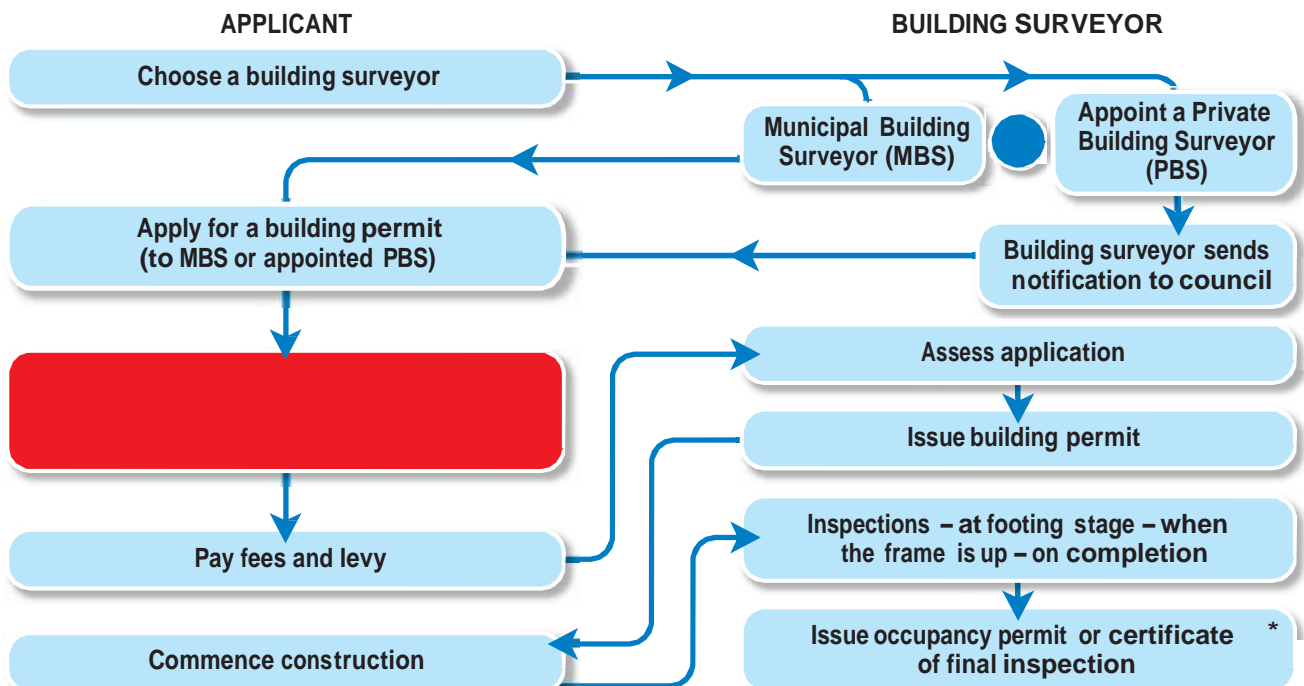
It is essential that an owner-builder understands the laws and regulations that apply to building in Victoria.

Building surveyors

A building surveyor is a professional trained in understanding the building control process. He or she is authorised to assess building plans with a view to ensuring they are compliant with the *Building Act*, the *Building Regulations* and the *Building Code of Australia*.

In addition to having recognised qualifications, a building surveyor must be registered with the Building Practitioners Board and must have appropriate insurance.

The building permit process



Note: Permits may not be issued if work does not comply.
 * There is an application process for an occupancy permit.



Building surveyors are responsible for ensuring buildings are safe, accessible and energy efficient and therefore have an impact on the design, planning and functionality of buildings.

Until 1994, local councils were the sole providers of building permits in Victoria. New legislation was introduced at that time to enable competition and allow Private Building Surveyors to issue building permits.

This system is known as 'private certification' and consumers have the choice of engaging a Private Building Surveyor or a Municipal Building Surveyor.

To find a building surveyor, contact your local council, the Australian Institute of Building Surveyors or visit:

www.buildingcommission.com.au

Municipal Building Surveyors

Municipal Building Surveyors have the same responsibilities as those described above. They also enforce community safety and building legislation in their municipality.

Private Building Surveyors

Private Building Surveyors are independent professionals. They have the same power to issue building permits and occupancy permits as Municipal Building Surveyors. They also have the same responsibility as Municipal Building Surveyors to administer and enforce the Building Regulations regarding the projects for which they have been appointed.

There are also some special requirements placed on Private Building Surveyors that help ensure an integrated system of building control within the municipality.

These include requirements for the Private Building Surveyor to notify council of their appointment on a building project within seven days of that appointment and a requirement to lodge copies of all permits and associated documentation within seven days of issue. Councils maintain an up-to-date publicly accessible register of all building work in the municipality.

What does a building surveyor do?

A building surveyor issues building and occupancy permits, building notices and building orders.

Your building surveyor will have expert knowledge so it is a good idea to get a surveyor involved early in your project. This may save you some time and money as their advice can mean that you do not have to make significant changes to your design in order to meet the Regulations.

Once appointed, it is the building surveyor's role to:

- Evaluate and assess the plans
- Ensure you comply with the Regulations
- Issue the building permit
- Conduct inspections of the building work
- Issue an occupancy permit; or
- Issue a certificate of final inspection once the work is finished.

A building surveyor may also:

- Deal with variations to the building permit
- Assist you to seek a dispensation from your local council in certain circumstances.

Permits



It is a serious offence if you commence building work without the correct permits in place and you may be compelled to demolish illegal buildings. Never rely on informal advice on planning or building permits.

What permits are required?

You may need a planning permit, a building permit, an occupancy permit, or all three.

Your architect or builder can give you some initial advice about the permits required but it is essential to get independent advice before commencing your project. Your local council is the best place to advise whether or not you will need permits.

Planning permits

The *Planning and Environment Act 1987* is the legal basis for the town planning system in Victoria.

Under that Act, every municipality in Victoria maintains a planning scheme to control the use and development of land.

Each of these planning schemes apply zones, such as residential zones and industrial zones, and overlays such as heritage and vegetation protection. These have a bearing on the kinds of buildings and uses the municipality allows within its different areas.

Many new buildings, additions and renovations require a planning permit as the first step in the construction process. In some circumstances, even simple projects such as fences may require planning permits.

Applications for planning permits are made to the local council. Before undertaking any building or construction work, a good first step is to talk to a council planning officer. It is the planning department in your local council that determines whether or not you are going to need a planning permit.

Building permits

The *Building Act 1993* is the legal basis for building in Victoria.

Building law stipulates that all building work requires a building permit unless the work is specifically exempted under the regulations.

A building permit is a written permission from a registered building surveyor certifying that your plans comply with the Building Regulations.

You must have this permit before any work can begin.

Laws apply to alterations, demolitions and removals. So always check with a registered building surveyor to see if you are going to need a building permit. Special provisions apply to owner-builders and these are discussed later.

Applying for a building permit

Before applying for a building permit, you need to choose a building surveyor. Choose either a municipal building surveyor or a private building surveyor.

To obtain a building permit, you complete an application form and submit it to your building surveyor. The architect or builder can apply on your behalf for the permit but you must first authorise the architect or builder in writing to make the application.

Do not sign a blank form authorising others to obtain all permits for you and always check that a permit has been issued before any work commences.



Legislation covering the issuing of building permits stipulate that you have to satisfy your building surveyor that your builder is registered with the Building Practitioners Board if your project is worth more than \$5,000.

If the work is worth more than \$12,000, you will need to satisfy your building surveyor that your builder has the correct insurance.

You can check if your building practitioner is registered by searching via eToolbox on the Building Commission website.

For more information refer to the Building Commission brochure *What you need to know about building permits* or visit: www.buildingcommission.com.au.

Certificate of final inspection

A certificate of final inspection is issued for extensions or alterations to existing homes. The need for a certificate of final inspection will be indicated on your building permit.

Occupancy permit

An occupancy permit signifies that a building surveyor has approved your building as being suitable for occupation.

Compliance Certificates

The Plumbing Industry Commission regulates the industry through licensing and Compliance Certificate systems. Consumers should ensure that they sight the Practitioners license card prior to commencing work. Only licensed plumbing Practitioners can issue a Compliance Certificate on completion of work.

It is compulsory for plumbing practitioners to issue consumers with Compliance Certificates for every plumbing job of more than \$750 value, including labour, materials and appliances. This is compulsory even if the customer purchases the materials themselves.

Compliance Certificates must be issued to consumers and lodged by practitioners for all completed plumbing work including the installation of underground sanitary drains, gas pipes, gas appliance installations, gas conversions work and cooling towers, regardless of value of the work.

As a consumer, ensure you are aware of when certificates are required and always choose a licensed plumbing practitioner.



It is an offence to occupy a new building, including a home or apartment, without an occupancy permit and may void your insurance.

It is the owner-builder's responsibility to get the right permits.

Domestic sheds and garages



Building a shed may seem like a straightforward task but you must be aware of the rules with regard to this type of building and comply with them. Entering into arrangements with shed retailers who suggest that you become an owner-builder but manage the project for you (i.e. organising builders and plumbers) – may be putting YOU at risk.

If you are constructing a shed or garage you need to be aware of and comply with the following:

- > Most domestic sheds and garages require a building permit. Some sheds and garages with a floor area of less than 10 m² may be exempt;
- > If a building permit is required and the building work, including supply and installation, costs more than \$5,000, unless you are an owner-builder, you must use a Registered Building Practitioner to carry out the work;
- > A major domestic building contract must be entered into with the Registered Building Practitioner for work over \$5,000;
- > If the cost of the work (including labour and materials) exceeds \$12,000 the builder is required to provide domestic building warranty insurance;
- > The installation of roof sheeting, flashings, guttering and downpipes on a shed, regardless of scale, must be carried out by a Registered or Licensed Plumbing Practitioner;
 - If it is connected to a stormwater collection or disposal system; and
 - If the value of the roof plumbing work exceeds \$750 a compliance certificate is required from a Licensed Plumbing Practitioner.

Things you should look out for include:

- Shed companies insisting you be an owner-builder. Be aware that as an owner-builder if you sell your property within six and a half years of completion of the work you must have the building inspected and provide a report to the purchaser. You are also responsible for providing warranty insurance to the new owner if you sell within six years of completion of the work.
- Companies that split their quotes or insist you pay for other trades separately from supply of the shed kit. If the company supplies the material and arranges the other trades and the total cost of the work is more than \$5,000, they must be Registered Building Practitioners.
- Companies revising down your quote to under \$12,000 so they do not have to provide you with domestic building warranty insurance.
- Work where the cost of roof work, including labour and the material cost is more than \$750, ensure a plumbing compliance certificate is supplied.
- Connection of downpipes from the roof to water tanks and the stormwater drainage system must also be done by a Licensed Plumber and a certificate of compliance should be provided; ascertain if this is included in any quote.

Note: By using a Registered Building Practitioner and Licensed or Registered Plumber to work on your shed, you protect yourself AND ensure the work is to a high standard.

If the proposed building work relates to a shed or garage on vacant land, you may not be able to undertake the work as an owner builder unless you intend to build a home and live on the property.

Domestic sheds and garages

Victoria has now mapped bushfire prone areas.

There are many precautions you can take to help protect your home and maximise your safety.

If planning to build or renovate, key steps include ensuring an appropriate building site location, using suitable building materials, ensuring proximity to independent water resources, managing the vegetation surrounding the building and clearing debris close to the building. It is also important to ensure your property is accessible for emergency vehicles and has a water supply for fire fighting.

The Building Commission recommends the following to help reduce the risk of damage to homes in the event of a bushfire:

- Use building materials appropriate for the conditions and your Bushfire Attack Level (BAL)
- Remove any overhanging tree branches, take out shrubs over one metre high next to or below windows, keep grass short and clean up other debris near your building site or home that could easily catch fire to help provide some defensible space
- Follow the step-by-step guide to protecting your home from fire by downloading the Country Fire Authority (CFA) Fire Ready Kit from www.cfa.vic.gov.au or phoning the Victorian Bushfire Information Line on 1800 240 667 for a copy.
- Ensure you have a Bushfire Survival Plan in place and practise it regularly.

- Get involved in community meetings about fire preparedness in the neighbourhood. Go to the CFA website for meeting details.
- If you have a full rainwater tank near your home, ensure it is accessible.

Bushfire Attack Level (BAL)

The aim of the residential building standard for bushfire protection is to improve the ability of a building to withstand a bushfire attack. This will provide greater protection for the occupants who may be sheltering inside while the fire front passes. A great deal of scientific modelling has gone into the standard. The following chart outlines how the baseline data, which is defined as a Bushfire Attack Level (BAL), determines the type of construction required.

The BAL takes into consideration a number of factors including the Fire Danger Index, the slope of the land, types of surrounding vegetation and its proximity to any building.

Bushfire Prone Area Maps

Victoria has now developed on-line Bushfire Prone Area (BPA) maps. The bushfire prone areas have been determined using the most recent available scientific information and data.

The maps can be viewed at www.land.vic.gov.au

If your proposed residential building is within a BPA then a BAL assessment is required. If that BAL is determined as low, the construction requirements must still meet a minimum of BAL 12.5 as detailed in AS 3959 – 2009.



The residential building standard for bushfire protection applies to designated bushfire prone areas. Houses assessed as BAL-Low that are in a bushfire prone area will need to meet a minimum construction requirement of BAL 12.5.

Bushfire considerations

(continued)

Ember attack and the temperature (radiant heat) of a bushfire not only threaten buildings and properties but are often unstoppable.

Further information is available on the Building Commission website www.buildingcommission.com.au

Bushfires burn at very high temperatures and the February 2009 fires has meant a revisit of the baseline data around radiant heat levels. It is important to be aware that loss of property due to bushfire is sometimes unpreventable.

Bushfire Attack Levels under the Australian Standard 3959-2009

Bushfire Attack level (BAL)	Description of predicted bushfire attack and levels of exposure
BAL – LOW	There is insufficient risk to warrant specific construction requirements
BAL – 12.5	Ember attack
BAL – 19	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5 and 19 kW m ²
BAL – 29	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19 and 29 kW m ²
BAL – 40	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames
BAL – FZ	Direct exposure to flames from fire front in addition to heat flux and ember attack

6 Star Standard

6 Star Standard applies to new homes, renovations, alterations and additions

From 1 May 2011, all new homes, home renovations, alterations and additions will need to comply with a 6 Star Standard as it comes into effect in the Building Code of Australia. This sees Victoria align with national energy efficiency measures.

The 6 Star Standard applies to the thermal performance of a home, renovation or addition, plus the installation of either a solar hot water system or a rainwater tank for toilet flushing.

Some simple building work, not requiring a building permit, will not be affected by the new regulations. However, all new homes and building projects involving home extensions and major renovations will need to comply with 6 Star.

A 6 Star energy efficiency rating applies to your home's building envelope – its roof, walls, floor and windows.

6 Star requirements also include efficiency standards for lighting but not plug in appliances.

Meeting 6 Star compliance is not difficult: it's about good design, particularly at the planning stages. So talk to your building professional early to take advantage of the benefits, such as increased comfort, saving money on energy bills and making your home more resilient to climate change. Carefully selecting your site so your home's orientation takes advantage of solar energy can add up to 1 Star to the rating.

6 Star homes are projected to use 24 per cent less energy through heating and cooling compared to 5 Star homes. This will see Victorians with 6 Star homes saving a further \$100 off their energy bills each year. This is only an average saving, with residents who use their energy features in their home wisely saving even more.

Consider design options that go beyond minimum regulatory requirements: it pays in the long run.



Swimming pools

Swimming pools and spas

New swimming pools and spas in Victoria generally require a building permit. Safety barriers in accordance with the Building Code of Australia and Australian Standard AS1926 *Swimming pool safety* are also required.

Victoria already leads the nation in pool safety by requiring maintenance of pool safety barriers with heavy penalties of almost \$6,000 applying.

Safety barrier refers to a fence, wall, gate or screen, and includes gates, windows, locks, latches, hinges and self-closing devices attached to them. Safety barriers are required for in-ground swimming pools, jacuzzis, indoor swimming

pools, above-ground swimming pools and spas. This includes inflatable and portable units that are capable of holding water greater than 300mm in depth.

Drowning is the most common cause of preventable death for children under five in Victoria. Pool fencing reduces the risk of drowning to about one quarter of that of drowning in an unfenced pool. While pool fencing is demonstrated as being effective, parents or other adults should always supervise young children in a swimming pool.

For more information read *What you need to know about Swimming Pool and Spa Safety Barriers*, available at www.buildingcommission.com.au

Owners constructing a new swimming pool and spa are required to:

- Have a safety barrier for all swimming pools and spas capable of containing a depth of water greater than 300mm
- Obtain a building permit for the construction of the pool and barrier
- Complete the barrier within six months of building work commencing on the swimming pool or spa.
- Engage a building practitioner, who should be a Registered Building Practitioner if the value of the work exceeds \$5,000 (including labour and materials)
- Maintain the barrier and any self-closing and self-latching gates in good working order



Engage a Registered Building Practitioner to carry out the work if the value of the work exceeds \$5,000 (including labour and materials).

(All gates are to have a self-closing, self-latching device - regardless of when the pool was built).

- Never prop open any gate providing access to the swimming pool or spa
- Ensure that indoor swimming pools and spas have self-closing, self-latching doors that swing away from the pool area.

Access from dwellings is not permitted directly into the pool area via external doors.

Non-compliance with the Regulations risks lives, and pool owners could incur a fine of almost \$6,000.

The responsibility of swimming pool and spa owners to maintain and use safety barriers can help save lives. Remember when children are near water, adult supervision is essential.



What are safety barriers NOT required for?

- Structures not used principally for swimming, paddling or wading including bird baths, fish ponds, fountains, dams and water supply/storage tanks
- Swimming pools or spas **not capable** of containing a depth of water greater than 300mm
- Inflatable swimming pools (typically toddler or wading pools) not capable of containing a depth of water greater than 300mm
- Spas and baths inside a building that are used for personal hygiene such as a spa bath in a bathroom.

Regularly maintain gates and fences

- Ensure all gates providing access to a pool or a spa have self-closing and self-latching devices that work
- Ensure no tree branches, pool pumps, pot plants or other item which could be used to climb over the barrier are within a 900mm radius of the gate or fence
- Make sure any fences (especially boundary timber paling fences) are still in good repair and non-climbable
- Ensure all gates that provide access to the swimming pool or spa area are closed at all times, except when entering or leaving the pool or spa area.

Compliance and enforcement

-  The construction of a new pool and the associated safety barriers are the responsibility of the person carrying out the work.
-  After a complaint, the relevant building surveyor can take enforcement action.



The Municipal Building Surveyor of your local council has the power to act against owners and occupiers of properties where swimming pool and spas safety barriers do not comply with the Building Regulations or have not been maintained.

Certificate of consent



If you carry out domestic building work valued over \$12,000 without a certificate of consent or a building permit you may be prosecuted. Maximum penalties range up to \$60,000.

What is a certificate of consent?

An owner-builder certificate of consent is a written document from the Building Practitioners Board that enables you to obtain a building permit to carry out domestic building work as an owner-builder on your land.

When is a certificate of consent required?

Landowners who intend to apply for a building permit to carry out domestic building work that costs more than \$12,000 in relation to a single home as an owner-builder must provide a certificate of consent to the relevant building surveyor.

- You will need to obtain subsequent certificates of consent for any additional building work (costing over \$12,000) on the same property.
- A certificate of consent is valid for three years from the date it is issued.

When is a certificate of consent not required?

- If you intend to carry out domestic building work as an owner-builder that costs \$12,000 or less, you do not require a certificate of consent in order to obtain a building permit.



- If you are a registered domestic or commercial builder, or a registered demolisher with the Building Practitioners Board, or a registered architect with the Architects Registration Board of Victoria, you do not require a certificate of consent in order to carry out work as an owner-builder.
- If you engage a builder for the entire project then you are not an owner-builder. The builder needs to be registered if the work costs over \$5,000 and provide domestic warranty insurance if the work is valued over \$12,000.

Be aware that a separate certificate of consent is required each time you make an application for a building permit. Each application for a certificate of consent must be accompanied by the application fee.

Applying for a certificate of consent

To be eligible for a certificate of consent you must:

- Be an individual that is either:
 - The sole owner of the land, or
 - A co-owner of the land, or
 - The director of the body corporate (company) that owns the land and have written authority from the body corporate to apply and carry out the work¹, or
 - The beneficiary of the trust the land is the subject of and have written authority from the trustee to apply and carry out the work².
- Be listed on the certificate of title or register search statement as a registered proprietor.
- Reside in the dwelling and continue to reside, or intend to reside there upon completion of works.
- Be undertaking domestic building work which relates to a single dwelling/home.
- Be undertaking domestic building work over the value of \$12,000.

In completing your application, you should understand that:

- A complete application may take two to three weeks to be processed.
- You must ensure your application is complete and required documentation provided:
 - Applications submitted at the Building Commission offices are for **drop off only**
 - Applications will not be assessed at Reception
 - The Building Commission will not be able to copy documents on your behalf.
- An incomplete application may be returned to you unprocessed.
- All applications are submitted to the Building Practitioners Board for a decision. The decision will be sent out to the postal address nominated in Section 1 of the application form.

¹ Body corporate (company) directors who apply for a certificate of consent must also reside and continue to reside in the dwelling, or intend to reside there.

² Trust beneficiaries who apply for a certificate of consent must also reside and continue to reside in the dwelling, or intend to reside there.

As an owner-builder you can only obtain a certificate of consent if you have not been issued with a building permit to carry out work as an owner-builder in the previous three years. The exception to this is where the permit was in relation to or ancillary to the dwelling on the same land that the application refers to.

The three year period is calculated from the date of issue of the owner-builder building permit and not from the date of issue of the certificate of consent.

Applying for a certificate of consent

(continued)

Appealing against a decision of the Building Practitioners Board

You may appeal to the Building Appeals Board if the Building Practitioners Board:

- Refuses to issue you with a certificate of consent; or
- Fails to make a decision on your application within a reasonable time.

The Building Appeals Board will consider your appeal and in making a decision may agree with, set aside, or vary the Building Practitioners Board's decision.

Appeals must be made within 60 days of the decision by the Building Practitioners Board.

If the Building Practitioners Board's decision is set aside, the Building Appeals Board may:

- Put in place its own decision
- Require the Building Practitioners Board to reconsider your application in accordance with any directions or recommendations that it considers appropriate.

If the appeal is against the Building Practitioners Board's failure to make a decision on your application for a certificate of consent, then the Building Appeals Board may exercise the Building Practitioners Board's power to either issue or refuse to issue the certificate of consent.

The Building Appeals Board can be contacted on **1300 815 127**.

Engaging builders and tradespeople

Requirements of an owner-builder

As an owner-builder, you may:

- Undertake parts of the building work yourself, except in areas that require licensed tradespeople, such as electricians and plumbers (unless you are an electrician or plumber).
- Contract out some of the work to Registered Building Practitioners or tradespeople.

A domestic building contract must include certain minimum terms, as defined under the Domestic Building Contracts Act 1995.

Tradespeople carrying out the following domestic building work as a **single trade only** do not need to offer you a major domestic building contract for work over \$5,000:

- Attaching external fixtures (including awnings, security screens, insect screens and balustrades).
- Electrical work.
- Glazing.
- Installation of floor coverings.
- Insulating.
- Painting.
- Plastering.
- Plumbing work³.
- Tiling (wall and floor).
- Erecting a chain wire fence to enclose a tennis court.
- Erecting a mast, pole, antenna or similar structure.

³ As defined in S221C of the Building Act 1993.



If you enter into a contract with a person to complete building work that is more than \$5,000 you should ensure they are a Registered Building Practitioner AND that they provide you with a major domestic building contract.

If your building work is more than \$12,000 the Registered Building Practitioner you engage must enter into a contract with you AND take out domestic building insurance. If you engage an unregistered building practitioner you may not be able to get domestic building insurance OR the owner-builder warranty insurance.

Engaging builders and tradespeople

(continued)



It is YOUR responsibility to notify the relevant building surveyor with the details of the different building practitioners and tradespeople engaged at the various stages of the building project.

If you engage a person to carry out any building work for which the contract price is more than \$12,000, that person must ensure that the work is covered by domestic building insurance. The details of the insurance are required to be included on the domestic building contract by the Registered Building Practitioner.

If you engage this person before the building permit is issued, you must notify the relevant building surveyor when you make the application for the building permit.

If you engage this person after a building permit has been issued, you must give the relevant building surveyor written notice of the engagement within 14 days, including the building practitioner's registration details.

If you do not comply with this requirement, you may be prosecuted by the Building Commission.

If more than one trade is carried out by the same tradesperson for more than \$5,000 (for example, the plasterer also does the painting), they will be required to be registered and enter into a major domestic building contract. For work valued over \$12,000, they must also provide domestic building insurance.

Registration details of Registered Building Practitioners can be checked on the Building Commission website at www.buildingcommission.com.au via eToolbox.

Tips for resolving disputes

- Collect all the evidence you need to back up your claim such as documents, receipts, photographs, records of conversations and warranties. Research your rights and responsibilities. Check the building and renovating section at www.consumer.vic.gov.au or call Building Advice and Conciliation Victoria (BACV) on **1300 557 559**
- Act quickly on your complaint. Delays could affect your rights
- Contact the building practitioner or tradesperson involved in the dispute. It is best to make face to face or telephone contact first to find out the building practitioner's immediate reaction to your concerns. Always follow up by letter or e-mail to ensure you have written evidence of the complaint
- Remain calm, don't raise your voice or become argumentative
- If an agreement is reached, be sure to attach it to your domestic building contract, signed by all parties involved. It should include the action that will be taken, who will do what, how it will be done, the timeframe and agreed payment.

A tradesperson carrying out more than one trade (plastering and painting for example) on your behalf should be registered, enter into a domestic building contract with you and provide you with insurance where required.

Selling your property

There are owner-builder requirements under the *Building Act*

If you sell your owner-built home within six and a half years after the domestic building work has been completed (ie. from the date of issue of your occupancy permit or certificate of final inspection), you must:

- Obtain a defects report by a prescribed practitioner regarding the domestic building work. The report must not be older than six months and a copy must also be provided to the homebuyer
- You may need to obtain owner-builder domestic building insurance covering the domestic building work and provide the homebuyer with a certificate of the insurance. Please note that the insurance may only come into effect if you die, disappear or are insolvent.*

If you sell your owner-built home on or after six years, but within six and a half years of completion⁴ of building work, you need only provide a defects report.

A buyer of your home who finds defective building work that did not appear on the required defects report can make a claim against you for breach of statutory warranties. If the defective work was carried out by a Registered Building Practitioner, then you may have a claim against that practitioner. Owner-builder domestic building insurance only covers situations where the owner-builder is dead, has disappeared or is insolvent.

Statutory warranties apply

If you sell your owner-built home within six and a half years after domestic building work has been completed, the contract of sale is required to contain the following warranties:

- Assurance that all domestic building work carried out in relation to the construction by you or on your behalf was completed in a proper and workmanlike manner

- Assurance that all materials used during domestic building work were good and suitable for the purpose for which they were used and that, unless otherwise stated in the contract, those materials were new
- Assurance that the domestic building work was carried out in accordance with all laws and legal requirements, including the *Building Act 1993* and the *Building Regulations 2006*.

Note: You may apply to the Victorian Civil and Administrative Tribunal (VCAT) to be exempt from any of these requirements if:

- There are exceptional circumstances; or
- Full compliance with these requirements is impossible and / or would cause undue hardship.

Ramifications for non-compliance with the requirements

If you enter into a contract to sell your owner-built home without complying with the requirements to obtain a defects report and insurance in respect of the dwelling and set out the warranties in the contract of sale, your sale could be at risk.

The contract of sale is not automatically void, but is considered to be 'voidable'. You may also be prosecuted, with a maximum penalty of around \$12,000. You cannot 'contract out' of these requirements. They will apply even if you and the purchaser agree otherwise.

*You should contact an appropriate insurance provider for more information on this process (see owner-builder contacts page 27)

⁴ Completion date is from the issue date of your occupancy permit or certificate of final inspection.



An owner-builder can be responsible for their owner-built project for up to 10 years.

A purchaser has a right to 'walk away' from the sale at any time prior to settlement if an owner-builder does not meet the report and insurance requirements.





Prosecution and enforcement






If the building surveyor refuses to issue you with a building permit you can appeal to the Building Appeals Board against the refusal.

If things go wrong ...

As an owner-builder, if you don't adhere to the building permit, the *Building Act* and the Building Regulations you could be guilty of a criminal offence that carries a maximum penalty of a fine of up to \$60,000. Therefore, before you build as an owner-builder, you should carefully consider whether you are willing and able to accept the responsibilities and risks involved, including:

-  Where a building permit is required, you must obtain one before building work starts. If you don't, you could be guilty of an offence.
-  Any changes to your plans might also require planning approval or an amendment to your planning permit from your Council before you do the building work.
-  You must ensure that all building work is in accordance with the building permit, the *Act* and the Regulations. Changes to plans or building work after you obtain a building permit may require amendments to the building permit, or you may need to apply for a new one (you should discuss this with your building surveyor).
-  In addition to a possible \$60,000 fine, your building surveyor could issue a building notice if you or another builder carries out building work contrary to a building permit, the *Act*, or the Regulations. As the home owner, you must comply with the building notice, even if you didn't do the building work. If you don't comply with the building notice, the building surveyor could issue a building order.

-  The building surveyor can issue building orders to stop work or require minor work to be done, even if a building notice hasn't been issued. As the home owner, you must comply with these building orders.
-  In emergencies, the Municipal Building Surveyor can issue an emergency building order, even if a building notice hasn't been issued.
-  You can appeal to the Building Appeals Board against the decision to issue a building notice, or make a building order, a building order to stop work, a building order for minor work, or the refusal to cancel an emergency building order.

... including with your building surveyor

As outlined on page 12 (Permits), before applying for a building permit you need to appoint a building surveyor, whose role is to ensure that building work is in line with the building permit, the *Act* and the Regulations.

If you want to bring the Building Surveyor engagement to an end, you need to contact the Building Commission.

Remember you can only appoint one Building Surveyor at a time.

Owner-builder contacts

Education providers

Chisholm Institute of TAFE

Telephone 1300 244 746
www.chisholm.edu.au

Short Courses

www.shortcourses.vic.gov.au

Holmesglen Institute of TAFE – short courses

Telephone (03) 9564 1555
www.holmesglen.edu.au

Owner Building Solutions Australia Pty Ltd

www.ownerbuilding.com.au

South West TAFE (Warrnambool)

Telephone (03) 5564 8911
www.swtafe.vic.edu.au

TAFE Virtual Campus

www.tafevc.com.au

Building information

Australian Owner-builders

Telephone 1300 856 095
www.ownerbuild.com.au

Building Commission – Technical Services

Telephone 1300 815 127
www.buildingcommission.com.au

Building Practitioners Board

Telephone 1300 815 127
www.buildingcommission.com.au

Dial Before You Dig

Telephone 1100
www.1100.com.au

Home Ideas Centre

Telephone 1300 466 343
www.homeideas.com.au

Timber Merchants Association

Telephone (03) 9875 5000
www.timber.asn.au

Land Registry

Telephone (03) 8636 2456
Titles and Property Certificates
www.land.vic.gov.au

Building practitioner registration

Building Commission – Practitioner services

Telephone 1300 815 127

Building Commission – Technical services

Telephone 1300 815 127
www.buildingcommission.com.au

Energy Safe Victoria

Telephone (03) 9203 9700
www.esv.vic.gov.au

Plumbing Industry Commission

Telephone 1300 815 127
www.pic.vic.gov.au

Owner-builder contacts

(continued)

Building related disputes

Building Advice and Conciliation Victoria (BACV)
Telephone 1300 557 559
www.consumer.vic.gov.au

Building Appeals Board

Telephone 1300 815 127
www.buildingcommission.com.au

Consumer Affairs Victoria

Telephone 1300 558 181
www.consumer.vic.gov.au

Victorian Civil and Administrative Tribunal (VCAT)

www.vcat.vic.gov.au

VCAT Civil Claims List

Telephone (03) 9628 9830

VCAT Domestic Building List

Telephone (03) 9628 9999

Building design

Building Designers Association of Victoria

Telephone (03) 9416 0227
www.bdav.org.au

Occupational health and safety

Workcover

Telephone (03) 9641 1444
www.workcover.vic.gov.au

Insurance

Australian Home Warranty

Telephone 1300 300 115
www.austhomewarranty.com.au

Building Industry Solutions

Telephone 1800 244 224
www.buildinginsurance.com.au

Buildsafe

Telephone 1300 763 016
www.buildsafe.com.au

CGIB Australia Pty Ltd

Telephone 1300 764 244
www.cgib.com.au

HIA Insurance Services

Telephone (03) 9666 0222
(Home Owner Warranty)
www.hiainsurance.com.au

FD Beck Insurance Brokers

Telephone 1300 155 338
www.fdbeck.com.au

Taxation

Australian Taxation Office

Telephone 13 28 66
www.ato.gov.au

Energy efficiency

Sustainability Victoria

Telephone 1300 363 744
www.sustainability.vic.gov.au

Make your home green

www.makeyourhomegreen.vic.gov.au

Protection of your privacy

Asbestos

Environment Protection Authority Victoria

Telephone (03) 9695 2722

www.epa.vic.gov.au

Environmental Health Officer of your local council

Environmental Health Unit

Telephone (03) 9096 0420

Department of Human Services

Telephone 1800 126 637

www.dhs.vic.gov.au

Better Health Channel

Telephone 1300 650 172

www.betterhealth.vic.gov.au

Workcover

Telephone (03) 9641 1444

www.workcover.vic.gov.au

Building Standards

Australian Building Codes Board

Telephone 1300 134 631

www.abcb.gov.au

Building Act and Regulations

Information Victoria

Telephone 1300 366 356

www.bookshop.vic.gov.au

Victoria Online

Telephone 1300 366 356

www.vic.gov.au

Protection of your privacy

INFORMATION COLLECTION NOTICE

Personal information provided by you in connection with this application is collected by the Building Practitioners Board ('Board') under section 25C of the *Building Act 1993* for the purposes of determining whether a certificate of consent can be issued for you to carry out domestic building work on your land. It is necessary to collect the personal information for the Board to fulfil its duties and obligations under the *Building Act 1993*. If you fail to provide the personal information requested, your application may be refused.

The Board respects your privacy.

Your personal information will be collected and used in accordance with the *Information Privacy Act 2000 (Vic)*. The Board may, where appropriate, disclose your personal information to the Building Commission, a law enforcement agency or a court or tribunal.

You may gain access to personal information collected from you by the Board, provided that the Board may require requests for such information to be submitted in accordance with procedures set out in, and in a form required or permitted by, the *Information Privacy Act 2000 (Vic)* or other relevant legislation.

Application form for a certificate of consent

Understanding the application process

Read the owner-builder application kit and understand the responsibilities and obligations of being an owner-builder

Complete the application form



Section 1	Applicant details
Section 2	Property details
Section 3	Co-owner details
Section 4	Building work required on the property
Section 5	Owner-building work within 3 years <i>(if applicable)</i>
Section 6	Payment of fee and tax invoice
Section 7	Statutory declaration
Section 8	Attachments required

IMPORTANT NOTES

- *This application must be completed by the owner of the property to which this application relates*
- *Use a black pen to complete the application*
- *Write clearly and complete all relevant sections. Incomplete applications may be returned to you, please check the application before submitting*
- *Provide copies of additional information as listed in Section 8 of the application*
- *Refer to the application checklist (separate document) for correct application fee as it is subject to change*
- *All application fees are non-refundable, regardless of the outcome. Please consult your building surveyor at the outset to determine if a certificate of consent is required*
- *Complete applications will be processed within 2-3 weeks of receipt. Processing times will vary where further information is required.*

Applicant details



Section

1

NOTE

- Main applicant must appear on the certificate of title as the registered proprietor
- This section must be completed (for any type of ownership) by a natural person
- Only one name is required in this section.

Applicant's Title (circle) Mr / Mrs / Miss / Ms / Dr / Other

Given Names

Applicant's Family Name

Applicant's Date of Birth *(Attach a copy of the applicant's current driver's licence or passport as proof of identity)*

A/H Phone Number

B/H Phone Number

Mobile Number

Fax Number

Email Address

Residential Details *(Street number and name of current residential address at the time of making the application)*

Suburb

State

Postcode

Postal Details *(Number, Street name, PO Box) or write "As Above" if same as residential address*

Suburb

State

Postcode

Section 2

Property details

NOTE

- This section applies specifically to where the building work is to take place
- Refer to the relevant council for correct street address, suburb, etc
- Where the proposed building work consists of a second home on the property, a specific street address will be required for the proposed home (e.g. Unit 2, 9a, etc), refer to the relevant council for information
- Amendments will not be made once a certificate of consent is issued.

Lot No

Street No

Street Name

Street Type

Unit No (if applicable)

Suburb

State

Postcode

Relevant Council (Municipality)

PROPERTY OWNERSHIP

1. Are you the owner of the property where the building work is to take place?

YES – go to *Type of Ownership (below)*

NO – You must be the owner to submit an application

Attach proof of ownership (copy of Certificate of Title/Register Search Statement and plan of subdivision) with your name or names of all owners. A contract of sale or transfer of land is not sufficient information.

TYPE OF OWNERSHIP (only tick the relevant type)

Company – (complete Q2)

Trust – (complete Q3)

Individual (go to Q4)

COMPLETE IF APPLICABLE

2. Is the property owned by a company?

- YES** – complete company details. Attach an ASIC Company Statement (stating the name of the company & director)
- NO** – Go to Q4

Company Details

Company Name

A C N

A B N

Are you the director of this company?

- YES** – you must provide an ASIC Company Statement indicating you are a director
- NO** – you must be a director to apply for certificate of consent

Do you have written authorisation from the company to make this application and to carry out the work?

- YES** – you must provide written authorisation in order to apply for a certificate of consent
- NO** – you must obtain written authorisation in order to apply for a certificate of consent

COMPLETE IF APPLICABLE

3. Is the property the subject of a trust?

- YES** – complete trust details. Attach the Schedule from the Deed of Trust (listing name of Trust, Trustee & Beneficiary)
- NO** – Go to Q4

Trust Details

Name of Trust

Name of Trustee

Are you the beneficiary of the trust that the property is subject to?

- YES** – please provide a schedule from the Deed of Trust listing your name as a beneficiary
- NO** – you must be a beneficiary to apply for a certificate of consent

Do you have written authorisation from the trustee to make this application and to carry out the work?

- YES** – you must provide written authorisation in order to apply for a certificate of consent
- NO** – you must obtain written authorisation in order to apply for a certificate of consent

Section 2

4. Are you a Registered Building Practitioner?

YES – Registration Number: (Refer note)

PLEASE NOTE

If you are a Registered Building Practitioner (commercial/domestic/demolition) or a registered architect with Architects Registration Board of Victoria (ARBV), you do not require a certificate of consent in order to apply for a building permit as an owner-builder.

NO

5. Have you carried out domestic building work as an owner-builder on a different property in the last 3 years (i.e. you have obtained a certificate of consent and an owner-builder building permit previously)?

YES – please ensure you also complete section 5

NO

6. Do you co-own the property with another person(s)?

YES – please ensure you also complete section 3

NO

7. Have you co-owned land with a person that is not part of this application (different land than noted in Section 2 of this application)?

YES

NO

8. If yes, has this person carried out domestic building work as an owner-builder in the last three years (i.e. obtained a certificate of consent and an owner-builder building permit previously)?

YES – please ensure you also complete section 5

NO

9. Have any of the co-owners (listed in the Certificate of title) carried out domestic building work as an owner-builder (on a different land than noted in Section 2 of this application) in the last three years (i.e. obtained a certificate of consent and an owner-builder building permit previously)?

YES – please ensure you also complete section 5

NO

Co-owner details



Section

3

NOTE

- Please include names of all current owners (registered proprietors) as per Certificate of Title/Register Search Statement (except the Applicant)
- Each co-owner must provide a signature
- Provide information related to changes of names for each person where applicable (e.g. Marriage Certificate).

CO-OWNER 1

Title Given Names Co-owner Family Name Date of Birth DD/MM/YYYY

Contact Details

A/H Phone Number Work Number Mobile Number Fax

Residential Details

Street No Street Name Suburb State Postcode

Postal Details *(write as above if same address)*

Street No Street Name Suburb State Postcode

Post Office Box No Suburb State Postcode

Co-Owner Authorisation

I authorise the Applicant to carry out the project that this application relates to:

Signature

CO-OWNER 2

Title Given Names Co-owner Family Name Date of Birth DD/MM/YYYY

Contact Details

A/H Phone Number Work Number Mobile Number Fax

Residential Details

Street No Street Name Suburb State Postcode

Postal Details *(write as above if same address)*

Street No Street Name Suburb State Postcode

Post Office Box No Suburb State Postcode

Co-Owner Authorisation

I authorise the Applicant to carry out the project that this application relates to:

Signature

CO-OWNER 3

Title Given Names Co-owner Family Name Date of Birth DD/MM/YYYY

Contact Details

A/H Phone Number Work Number Mobile Number Fax

Residential Details

Street No Street Name Suburb State Postcode

Postal Details *(write as above if same address)*

Street No Street Name Suburb State Postcode

Post Office Box No Suburb State Postcode

Co-Owner Authorisation

I authorise the Applicant to carry out the project that this application relates to:

Signature

CO-OWNER 4

Title Given Names Co-owner Family Name Date of Birth DD/MM/YYYY

Contact Details

A/H Phone Number Work Number Mobile Number Fax

Residential Details

Street No Street Name Suburb State Postcode

Postal Details *(write as above if same address)*

Street No Street Name Suburb State Postcode

Post Office Box No Suburb State Postcode

Co-Owner Authorisation

I authorise the Applicant to carry out the project that this application relates to:

Signature

Section

4

Building work required on the property

NOTE

- Read "The facts about being an owner-builder" on page 7
- Must consult with a building surveyor to ensure a certificate of consent is required for the work
- Must relate to one single home
- Must be the home that the Applicant will reside in immediately upon completion of works.

COMPLETE ONE PROJECT TYPE (PROJECT TYPE A, B OR C)

PROJECT TYPE **A** – This relates to a new home.

DESCRIPTION OF BUILDING WORK

Construction of a new home
(Specify associated works, e.g. with garage)

Completion works to a new home
(Specify stage of work)

Re-erection of a home

PURPOSE OF THE PROJECT

I intend to live in this home upon completion of the project

I intend to rent or sell this home upon completion of the project

This is a holiday home for my personal use

If building work relates to a second home, provide a specific street address in Section 2.

PROJECT TYPE **B** – This relates to building work associated with an existing home.

DESCRIPTION OF BUILDING WORK

Construction of a garage

Construction of a carport

Construction of a shed

Extension of an existing home

Renovation to an existing home

Alterations to an existing home

Private bushfire shelter

Change of use of an existing building

Construction of a swimming pool
(Specify – inground, above ground)

Other:

(Provide information regarding use of building)

Attach separate sheet or a floor plan if required (optional)

PURPOSE OF THE PROJECT

(THE FOLLOWING STATEMENTS APPLIES TO THE EXISTING HOME TO WHICH THE PROPOSED BUILDING/BUILDING WORK RELATES)

- | | | |
|--|---|--|
| <input type="radio"/> I currently live in the existing home on this property | <input type="radio"/> I will continue to live in the existing home upon completion of the project | <input type="radio"/> This is a holiday home for my personal use |
| <input type="radio"/> I intend to live in the existing home upon completion of the project | <input type="radio"/> I intend to rent or sell the existing home upon completion of the project | <input type="radio"/> There is no existing home on this property – Complete Project Type C |

PROJECT TYPE C – This relates to a structure other than a home on vacant land.**DESCRIPTION OF BUILDING WORK**

PURPOSE OF PROJECT

What will you use this building for?

When do you propose to build a single home on this property?

Do you intend to live in the home upon completion of the project?

- YES
- NO

Do you have a planning permit for the project?

- YES – Attach a copy of the planning permit.
- NO

NOTE: All building work undertaken by an owner-builder must relate to a single home (Refer to page 14)

ESTIMATED COST OF BUILDING WORK**NOTE**

- Must be domestic building work over the value of \$12,000 in order to require a certificate of consent
- Cost provided must include labour, materials and GST and be the commercial value of the project
- Cost stated must be the same as that included on the building permit application (refer to a building surveyor for assistance where required)
- An amendment will not be provided once a certificate of consent is issued.

COST \$

WHO WILL BE CARRYING OUT THE BUILDING WORK?

10. Are you engaging just one person to carry out all the building work, i.e. this person will arrange for the building work to take place?

 YES

 NO

If you have answered Yes, you are not an owner-builder. The person arranging for the work must be registered with the Building Practitioners Board.

11. Are you engaging a number of persons to carry out parts of the building work including doing some of the work yourself?

 YES

 NO

Please refer to page 23 of the Owner-builder Application Kit (Engaging builders and tradespeople). It is an offence under the Domestic Building Contracts Act 1995 to engage an unregistered person to undertake domestic building work over the value of \$5,000.

Owner- builder work within 3 years

Section

5

NOTE

- This section is relevant if you have answered Yes to questions 5, 8, or 9
- The three year period is calculated from the date of issue of the building permit for the owner-build project (and not from the date of issue of the certificate of consent)
- Must be related to a property that is different from that which this application relates to
- All correspondence must be written and signed by the Applicant
- Additional processing time required for applications that require an exemption.

Victorian owner-builders can only build or renovate one home every three years and cannot build multi-unit developments such as apartments or units.

You may apply to the Building Practitioners Board to grant an exemption based on special circumstances that exist since obtaining the previous building permit.

The submission for an exemption must include:

- The substantial change in your circumstances and the need for this application
- Detailed information and supporting evidence that you will suffer hardship if the application was refused
- Your reasons for wanting to carry out work as an owner-builder instead of employing a Registered Building Practitioner to carry out the work
- Whether you are building or renovating for personal use or for financial gain.

Attach a copy of the certificate of consent and owner-builder building permit issued to you or a co-owner previously.

Section

6

Payment of fee and invoice

NOTE

- Application fees are subject to change, please refer to the certificate of consent Application Checklist for the amount payable, or log on to the Building Commission website – www.buildingcommission.com.au
- All application fees, regardless of the outcome, are non-refundable
- You will not be issued with a receipt of payment
- Owner-builder certificate of consent application fees are GST exempt under Division 81 of the GST legislation
- Upon payment, this section becomes your invoice. Please keep a copy of this section for your record.

BUILDING COMMISSION ABN 54 503 799 763
PO BOX 536
MELBOURNE 3001

PAYMENT METHODS:

Payment can be made by cheque, money order or credit card:

Cheque or Money Order enclosed Amount \$ *Please refer to the certificate of consent application checklist*

(Cheques should be made payable to: Building Administration Fund)

Credit Card details provided Amount \$

Please debit my credit card:

Cardholder's Name

Card Number

Card Type

Visa Mastercard

Card Expiry Date

Cardholder's Signature

Date

Statutory declaration



Section

7

BE WARNED! THIS IS A LEGAL DOCUMENT

A statutory declaration is a statement or declaration which is sworn to be true by the applicant in the presence of an authorised witness with the consequence that the applicant is subject to the penalties of perjury if that statement or declaration is provide to be false.

PERSONS AUTHORISED TO WITNESS A STATUTORY DECLARATION

For a complete list of persons authorised under the Evidence Act 1958 to witness this statutory declaration, see page 46 or visit www.justice.vic.gov.au.



I, (full name of Applicant)

Of (full residential address of Applicant)

By signing this document, I confirm that I have read this application kit and information statement in its entirety, and that the information provided is true and correct.

You must read each statement and initial each box

▶ I am the owner/registered proprietor of the property to which this application relates

▶ I must reside or intend to reside at the property to which this application relates

I HAVE READ THAT:

▶ When engaging a Registered Building Practitioner for building work over \$5,000 – they should provide me with a major domestic building contract (page 24)

▶ When engaging a Registered Building Practitioner for building work over \$12,000 I should be provided with a major domestic building contract AND the RBP is required to take out domestic building insurance (page 24)

▶ I am responsible for ensuring the necessary workplace, public safety insurance policies are in place (this may even include arranging insurance to protect my adjoining owner) (page 6)

▶ If I sell my owner-built home within six and a half years – I am required to provide owner-builder warranty insurance cover and a technical inspection report to the purchaser (page 25)

▶ I am responsible for obtaining a building permit, ensuring compliance with the building permit, the *Building Act*, the *Building Regulations* and the *Building Code of Australia* (page 12)

Failure to initial each box will make this application incomplete and will be returned to you unprocessed.



I acknowledge that this declaration is true and correct and I make it in the understanding that a person making a false declaration is liable to the penalties of perjury. *It is a punishable offence under section 246 of the Building Act 1993 for any person to knowingly make a false or misleading statement or to provide any false or misleading information to a person or body carrying out any function under the Act.*

Signature of person making declaration

Declared at *(full address including state and postcode)*

Suburb

State

Postcode

Before me *(signature of person authorised to witness a statutory declaration)*

Print Name

Address in full *(including state and postcode)*

Suburb

State

Postcode

Qualifications / Status

On this date *(in full)*

Refer to page 47 for a list of persons authorised to witness a statutory declaration.

Attachments required

Section

8

NOTE

- Attach copies of documents required, do not submit original documents
- Applications cannot be accepted via fax or email
- A photocopy of the application form cannot be accepted (submit original and duly witnessed document)
- Documents provided must be current.

APPLICANT DETAILS

Section 1

PROOF OF IDENTITY

Identification is required for the main applicant

- Driver's Licence
- OR**
- Passport

PROPERTY DETAILS

Section 2

PROOF OF OWNERSHIP

Ownership document must list the name(s) of all the owners listed in this application as the Registered Proprietor.

- A Certificate of Title or Register Search Statement
- OR**
- Letter from your solicitor

A Register Search Statement can be obtained online from Land Titles Victoria for a fee.

Where applicable:

- Provide an ASIC Company Statement
- OR**
- Schedule from Deed of Trust

For more information go to: www.land.vic.gov.au

Letters from a solicitor must:

- Be addressed to the Building Practitioners Board
- State the property address and name(s) of applicant(s)
- State the settlement date and confirm that settlement has occurred
- State that the applicant(s) are entitled to be registered proprietors on the Certificate of Title.

ASIC Statement – must list the name of the company and director

Schedule from Deed of Trust – must list the names of the trust, trustee and beneficiary

CO-OWNER DETAILS

Section 3

CHANGE OF NAME DOCUMENT (IF APPLICABLE)

E.g. Marriage Certificate

Section 8

BUILDING WORK REQUIRED ON PROPERTY

Section 4

- Additional information to describe building project (*optional*)
 - Planning Permit (*if applicable*)
- E.g. Floor plan, or separate sheet detailing proposed work

OWNER-BUILDER WORK WITHIN 3 YEARS

Section 5

- Submission
 - Owner-builder building permit
 - Certificate of consent
- Information relating to work undertaken as an owner-builder in the last three years

PAYMENT OF FEE AND INVOICE

Section 6

Cheque, Money Order or Credit Card

STATUTORY DECLARATION

Section 7

Must be witnessed by a person authorised under the Evidence (Miscellaneous Provisions) Act 1958 (*Refer to list on page 47*)

Application submission options (*Refer to page 21*)

BY POST:

Building Practitioners Board
P O Box 536
MELBOURNE VIC 3001

IN PERSON:

Building Practitioners Board
The Goods Shed North
733 Bourke Street
DOCKLANDS VIC 3008

Electronic applications will NOT be accepted.

For enquiries

Phone Enquiries: 1300 815 127
Fax: + 613 9618 9033
Email: ownerbuilder@buildingcommission.com.au
Website: www.buildingcommission.com.au

List of persons authorised to witness a statutory declaration

THE FOLLOWING PERSONS ARE AUTHORISED UNDER THE *EVIDENCE (MISCELLANEOUS PROVISIONS) ACT 1958* TO WITNESS THE SIGNING OF A STATUTORY DECLARATION:

- A Justice of the Peace or Bail Justice
- A Public Notary
- An Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
- A clerk to an Australian lawyer
- The Prothonotary or a Deputy Prothonotary of the Supreme Court, the Registrar or a Deputy Registrar of the County Court, the Principal Registrar of the Magistrates' Court or a Registrar or Deputy Registrar of the Magistrates' Court
- The Registrar of Probates or an Assistant Registrar of Probates
- The Associate to a Judge of the Supreme Court or of the County Court
- A person registered as a Patent Attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth
- A member of the police force
- The sheriff or a deputy sheriff
- A member or a former member of either House of the Parliament of Victoria
- A member or a former member of either House of the Parliament of the Commonwealth
- A councillor of a municipality
- A senior officer of a council as defined in the *Local Government Act 1989*
- A person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)
- A person registered under the Health Practitioner Regulation National Law –
 - (i) to practise in the dental profession as a dentist (other than as a student); and
 - (ii) in the dentist's division of that profession
- A veterinary practitioner
- A person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student)
- A principal in the teaching service
- The manager of an authorised deposit-taking institution
- A member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the National Institute of Accountants
- The secretary of a building society
- A minister of religion authorised to celebrate marriages
- A person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification for statutory declarations or who holds office in a statutory authority with such a classification
- A fellow of the Institute of Legal Executives (Victoria).

Need more information?

Building Commission
Goods Shed North
733 Bourke Street Docklands 3008
PO Box 536 Melbourne 3001
Phone 1300 815 127

www.buildingcommission.com.au

