



# Owner-Builder Approval Application Guidelines

## Authorisation

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Building work which requires a building permit can only be carried out by a registered building contractor or an approved owner-builder where the value of the building work exceeds \$20,000. The Building Services Board ('the Board') registers builders and grants owner-builder approvals under the *Building Services (Registration) Act 2011* ('the Act').

### **Owner-builder approval is available for the following owner-builder work -**

- **Class 1a (i)** – a single dwelling being a detached house. This includes an extension to a house or a habitable building on the same property but separate from the main house such as a granny flat;
- **Class 10** - buildings being a non-habitable building such as a private garage, carport, shed or the like; or
- **Small commercial building** – being a one or two storey building with a floor space of less than 500m<sup>2</sup> that is not a detached house, Class 10 building or farm building.

**An owner-builder approval is not a building licence or permit. It is approval to be named as a builder on a building permit. You must make a separate application for a building permit to the relevant local government permit authority.**

## Important Information for Applicants

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Owner-builder approvals can only be issued to individuals and not to corporate bodies or trusts. At least one of the owners of the land must be able to demonstrate to the Board sufficient knowledge of the duties and responsibilities of an owner-builder. One way this knowledge can be obtained is through attending an owner-builder course. Links to owner-builder courses are available on the Building Commission website.

Owner-builder approvals are issued to all owners of the land. All owners must be party to this application and sign the application form. Applicants are not eligible, except in special circumstances, for the issue of an owner-builder approval if one has been issued to them within the previous six years. Approvals are valid for six months from date of being granted.

For residential property applicant must reside, continue to reside or intend to reside, on the land on which the building work is to be carried out on when the work is completed. In the case of commercial building work the applicant must intend to occupy or use the land on which the owner-builder work is to be carried out on when the work is completed. This gives time to apply for a building permit.

If you are named as builder on a building permit you must act as the builder of the work. This means that you must have the day to day management and supervision of the work. **If a person recommends that you obtain an owner-builder approval in your name and that they will organise all the work, you should contact the Building Commission on 1300 489 099.**

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

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Before taking on an owner-builder permit you should consider whether you have the necessary skills and knowledge to:

- manage contracts and supervise trades on a day to day basis during construction;
- coordinate the flow of work by trade contractors to enable you to complete the project within your time schedule and budget;
- interpret detailed plans and specifications;
- handle financial or contractual disputes with trade contractors and suppliers;
- distinguish technically what is bad building work;
- account for potential material and labour cost increases that may occur during construction;
- establish the value of work completed to enable you to make accurate progress payments to trade contractors;
- determine the exact boundaries of your land; and
- 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.

Legislation and Australian Standards that you will need to be familiar with as an owner-builder include:

- *Home Building Contracts Act 1991*;
- *Local Government (Miscellaneous Provisions) Act 1960* and the *Building Regulations 1989*;
- *Building Services (Registration) Act 2011* and the *Building Services (Registration) Regulations 2011*;
- *Construction Contracts Act 2004*;
- National Construction Code which includes the Building Code of Australia and other relevant Australian Standards; and
- *Occupational Safety & Health Act 1984* and the *Occupational Safety and Health Regulations 1996*.

The *Home Building Contracts Act 1991* requires that if a building constructed by an owner-builder is sold or otherwise disposed of within seven years of the date of issue of the relevant building permit, indemnity insurance must be obtained to cover subsequent owners. The policy must cover the new home owner(s) for the remainder of the seven year period. The owner builder must also provide the purchaser with a valid certificate confirming the insurance before entering into a contract to sell.

If you are a Building Services Contractor under the *Building Services (Registration) Act 2011* or were previously registered as a builder under the *Builders Registration Act 1939* it is important for you to note your obligations under the *Home Building Contracts Act 1991*.

- For an exemption from Home Indemnity Insurance, section 25B requires contractors / builders constructing a dwelling as his or her principle place of residence and not for immediate sale to submit a statutory declaration to the Building Commissioner verifying that they have not obtained a building licence / building permit for residential building work within the last 6 years where no home indemnity insurance was required because of this section. A template for this declaration is available on the Building Commission website.
- Section 25FA requires contractors / builders to obtain written permission from the Building Commissioner if they plan to sell an owner-built property within three years of the date of issue of the building permit. This offence carries a **penalty of \$10,000**.

It is a serious offence to make a statement or provide or cause to be provided information that you know is false or with reckless regard as to whether or not the statement or information is false or misleading in a material particular as part of this application or to the Building Commission / Building Services Board in general. This offence, outlined in section 99 of the Act, carries a **penalty of \$25,000**.

## **Completing your application**

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The application package includes the following forms:

- property details; and
- personal details of land owner(s) – complete one form for each land owner.

Further details about your obligations as an owner-builder are contained in the booklet entitled “Thinking of Building Your Own Home”, available free of charge from your local government, the Building Commission’s website at [www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au) or telephone the Building Commission on 1300 489 099.

## **Supporting documentation**

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

- current land title search as evidence of land ownership, available through Landgate; **or** documentary evidence of an appropriate interest in the land (eg an appropriate lease or similar arrangement);
- a written statement of work outlining the details of the proposed owner-builder project;
- drawings demonstrating a reasonable level of detail for the construction of the proposed building;
- a written statement outlining how you have sufficient knowledge and understanding of the duties and responsibilities of an owner-builder;
- a written statement summarising how you plan to undertake the proposed building work;
- copies of a photographic identity document (passport, driver’s licence, or proof of age card) for each applicant / land owner; and
- payment slip.

## **Lodging your application**

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### ***Applications can be lodged***



#### **In person** (at):

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



#### **By post** (addressed to):

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



#### **Email**

[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au)



#### **Fax**

(08) 9476 1333

mark emails and faxes to the attention of the **Building Commission Licensing Branch**

**Payment**

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

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

\*Application fees are non-refundable.

**Payment methods**

Online (credit card) at [www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au);

Post (credit card, cheque or money order); or

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

**Payment slip**

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Applicant name: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

Amount payable: \_\_\_\_\_

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

Online receipt number: \_\_\_\_\_

**For credit card transactions:**

Card holder name: \_\_\_\_\_

Card number : \_\_\_\_\_ Expiry Date (MM/YYYY): \_\_\_\_\_

Card holder's signature: \_\_\_\_\_







## Personal details

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If there is more than one owner of the property, complete a personal detail form for each land owner and submit as part of this application.

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

Surname:

Given Name(s):

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

Residential Address:

Post Code:

Postal Address:

Post Code:

Date of Birth:  Place / Country of Birth:

Telephone details: Home:  Area Code ( )

Work:  Area Code ( )

Mobile:

Email:

## Proof of identity

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Photographic proof of identity is required for each land owner party to this application. Forms of identification include:

- passport;
- drivers licence;
- proof of age card;
- public service employee identification;
- occupational licence, or
- student identification card issued by an Australian educational institution.

Submit a copy of one these identity documents, with this completed form, as part of your application.