



Owner-builder Approval

Form 75 Guidelines

USE OF THIS FORM

This form is to be used by land owners who require owner-builder approval from the Building Services Board in order to apply for a building permit under section 20 of the *Building Act 2011*.

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);
- Must be an individual (not a corporate body, trust or other entity);
- Must have, or at least one of the applicants must have, sufficient knowledge of the duties and responsibilities of an owner-builder;
- Must not have been granted a building permit as an owner-builder within the last six years (OR must have applied to the Board to waive this requirement at **Attachment A** of this form); and
- Must intend to live on, occupy or use the land (depending on the type of building the work relates to) when the work is completed (for example, cannot be intending to rent the property out).

OWNER-BUILDER WORK

Owner-builder work is building work in relation to a detached house; Class 10 building; or small commercial building. Owner-builder approval entitles a land owner (or person with an interest in the land prescribed by the Regulations) to be named as the builder on a building permit.

Detached house in this context means a building that is a Class 1a(i) building for the purposes of the Building Code. That is, a free-standing residential building.

Class 10 building means a non-habitable building or structure including a private garage, carport, shed, or the like.

Small commercial building means a one or two storey building with a floor area of less than 500m² that is not a detached house, a Class 10 building or a farm building.

OWNERSHIP OF LAND

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

- (a) whose name is registered on the certificate of title as a proprietor of the land;
OR
- (b) who holds an interest in the land of a kind prescribed by the Regulations.

PRESCRIBED INTERESTS IN LAND

The interests prescribed by the Regulations are:

- (a) 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
- (b) 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)
- 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 and the applicant as the purchaser.

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 OF AN OWNER-BUILDER

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 the 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

Land owners 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

Subsequent sale

If an owner-builder sells his or her 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 contractors

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 application form may be downloaded from the Department website.

<http://www.commerce.wa.gov.au/publications/statutory-declaration-building-principal-place-residence>

LODGE AND PAY

By post

Complete the payment slip at the bottom of this form and post to –

Department of Mines, Industry Regulation and Safety

Licensing Services Branch
Locked Bag 14
Cloisters Square WA 6850

In person

Pay for and lodge your application in person at -

Mason Bird Building
Level 1, 303 Sevenoaks Street
Cannington WA 6107

Office hours:

Mon–Fri 8:30 am to 4:30 pm.

AFTER YOUR APPLICATION IS LODGED

When the Department is satisfied that your application is complete and payment is received, your application will be assessed and determined. Once the application is determined you will be notified by a licensing officer without delay.

Incomplete applications

The Department cannot process incomplete applications. If your application is incomplete at the time of lodgement it will be returned. If your application is later found to be incomplete or is not fully informative, you will be requested to provide outstanding or additional information. If you do not provide the information by the date stated in the request your application will be lapsed and the fee forfeited.

Return of documents

Unless an application is rejected as incomplete, 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.

SAT review of Board decisions

If you are aggrieved by a decision of the Board to refuse your application for owner-builder approval or imposing a condition on your approval you have 28 days to apply to the State Administrative Tribunal for a review of the decision.

More information

If you need more information about the status of your application, or about owner-builder approvals generally, please call 1300 489 099, or email ownerbuilders@dmirs.wa.gov.au.



Owner-builder approval

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

LAND OWNERS / APPLICANTS

Please provide all of the required information below. Where there is more than one owner please attach an additional page listing their details.

Owner/applicant 1 – personal details – primary contact for this application.				OFFICE USE
Salutation	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify			<input type="checkbox"/>
Family name				<input type="checkbox"/>
First name				<input type="checkbox"/>
Other name(s)				<input type="checkbox"/>
Date of Birth	Day	Month	Year	<input type="checkbox"/>

Address and contact details

Street				<input type="checkbox"/>
Suburb	State	Postcode		<input type="checkbox"/>
Daytime Contact	()			<input type="checkbox"/>
Email				<input type="checkbox"/>

Owner/applicant 2 – personal details

Salutation	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify			<input type="checkbox"/>
Family name				<input type="checkbox"/>
First name				<input type="checkbox"/>
Other name(s)				<input type="checkbox"/>
Date of Birth	Day	Month	Year	<input type="checkbox"/>

Address and contact details

Street				<input type="checkbox"/>
Suburb	State	Postcode		<input type="checkbox"/>
Daytime Contact	()			<input type="checkbox"/>
Email				<input type="checkbox"/>

OWNER-BUILDER KNOWLEDGE

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

OFFICE
USE

Full Name	
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1 Provide a copy of the white/blue card or other document showing that this owner has completed training course CPCCOHS1001A – Prepare to work safely in the construction industry.

 Attached

Provide evidence of **one** of the qualifications below:

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

 Certificate attached

OR

3 Current registration as a Building Practitioner in Western Australia
Provide your licence/registration number: _____

PROOF OF INTEREST IN THE LAND

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

OFFICE
USE

Certificate of Title (C/T)

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

 Attached

OR

Leasehold interest

2 A copy of the lease document; AND

 Attached

A copy of the Certificate of Title (C/T) 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 certificate of title)
- 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 commercial or non-residential premises.

OR

Interest as purchaser

3 A copy of a contract to purchase an estate in fee simple in the land (freehold purchase) showing the applicant as the purchaser.

 Attached

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 completed.

OFFICE USE

YES, I/we intend to reside at, occupy, or make use of this land when the building work is completed.

SITE ADDRESS OF OWNER-BUILDER PROJECT

OFFICE USE

Lot number		Street number	
Street			
Suburb		Postcode	
Local government			

DESCRIPTION OF OWNER-BUILDER PROJECT

Proposed owner-builder work

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

- 1 Class 1a(i) – a single-residential detached house or habitable building on the same property but separate from the main house, such as a granny flat;
- 2 Class 10 – a non-habitable building or structure such as a private garage, carport, or shed; or
- 3 Small commercial building – a one or two storey building with a total floor area of less than 500m² that is not Class 1a(i) detached house, a Class 10 building, or a farm building.

Please confirm the class of owner-builder work you intend to carry out:

OFFICE USE

- Class 1a(i)** (new, renovated, extended detached house; ancillary dwelling, or transportable)
- Class 10** (separate garage, carport, store, or shed)
- Small commercial building** (new, renovated, extended, or fit-out)

PLANS FOR THE OWNER-BUILDER PROJECT

OFFICE USE



Attach one appropriately scaled A4 document showing the site, floor, and elevation plans. This document must also show the locations of existing buildings on the site.

Attached

DECLARATION BY APPLICANT

Declaration

I/we declare that the information and documents given with or in support of this application, whether or not provided at the time of, or subsequent to, lodgment are true and correct. I/we understand that providing a false or misleading statement in an application is an offence under section 99 of the *Building Services (Registration) Act 2011*.

OFFICE
USE

Owner 1 _____
 Full name of owner/applicant 1 Signature of owner/applicant 1 Date

Owner 2 _____
 Full name of owner/applicant 2 Signature of owner/applicant 2 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. Attached N/A

PAYMENT

Fees

Please note that all licence and application fees are subject to change on 1 July of each year. Refer to the Department's website at <https://www.commerce.wa.gov.au/building-commission/owner-builders-adjudicators-and-complaints-fees> for the current fee schedule. Cheques should be made payable to the Department of Mines, Industry Regulation and Safety.

Type of building and payment details

Residential building (includes Class 10) Small commercial building

Payment method

Cheque Money order Credit card

Department of Mines, Industry Regulation and Safety
ABN: 69 410 335 356

Card authorisation

<input type="checkbox"/> Visa	<input type="checkbox"/> Mastercard	(Only Visa and Mastercard accepted)
Card number	/ / /	Expiry date /
Name on card		
I authorise the department to deduct the current prescribed fee that is payable in respect of this application.		
Cardholder's signature	Date	
Cardholder's contact phone number		

Owner-builder approval – application for further approval within a six year period

Attachment A

The *Building Services (Registration) Act 2011* (the Act) prohibits the Board from granting an owner-builder approval to a person who has been granted or issued with a building permit as an owner-builder in the six years preceding the current application. However, section 45(2) of the Act provides for the Board to waive the above prohibition if the Board is satisfied that:

- (a) The building permit was to carry out owner-builder work on the 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 were 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

Please confirm your eligibility by responding to the following:

OFFICE USE

- | | | | |
|---|---|-----------------------------------|--------------------------|
| 1 | I/we have been granted owner builder approval within the last six years | <input type="checkbox"/> Yes | <input type="checkbox"/> |
| | Owner-builder approval number: _____ | | <input type="checkbox"/> |
| 2 | I/we have been granted a building permit for owner-builder work within the last six years. | <input type="checkbox"/> Yes | <input type="checkbox"/> |
| | Date building permit was issued: _____ / _____ / _____ | | <input type="checkbox"/> |
| | Please attach a copy of your building permit. | <input type="checkbox"/> Attached | <input type="checkbox"/> |

REQUEST TO WAIVE SIX YEAR REQUIREMENT FOR OWNER BUILDER APPROVAL

Please select the option below which best describes your circumstances:

Owner-Builder work on the same land

OFFICE USE

- | | | | |
|----|--|------------------------------|--------------------------|
| 1. | The building permit was to carry out owner-builder work on the same land to which the current application relates. | <input type="checkbox"/> Yes | <input type="checkbox"/> |
|----|--|------------------------------|--------------------------|

OR

Change in circumstances

- | | | | |
|----|--|------------------------------|--------------------------|
| 2. | My/our circumstances have changed since the above building permit was issued and I/we would suffer hardship if the current application were refused. | <input type="checkbox"/> Yes | <input type="checkbox"/> |
|----|--|------------------------------|--------------------------|

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

Checklist

Use this checklist to ensure that you have completed all parts of your application and attached all necessary supporting 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)
- 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
- One A4 page document detailing site, floor, and elevation plans for the proposed building work (must also include any locations of existing buildings on the site)
- Declaration signed and dated by each owner/applicant
- Payment details provided
- Attachment A completed if appropriate

Incomplete applications cannot be assessed. If you need help completing this form please call the Department on 1300 489 099 and ask for Licensing Services.