



# 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..

### 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 where the applicant intends to reside.

**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 500m<sup>2</sup> that is not a detached house, a Class 10 building or a farm building and is intended as the owner's workplace.

### 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's website.

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

## LODGING YOUR APPLICATION\*

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

### 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 100  
EAST PERTH WA 6892

### In person – lodge and pay service only

Pay for and lodge your application in person at -

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

Office hours:

Mon–Fri 8:30am to 4:30pm.

## 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. If your application is assessed as incomplete, a licensing officer will advise you accordingly and request the required information. 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 assessed as incomplete, a licensing officer will advise you accordingly and request the required 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](mailto:ownerbuilders@dmirs.wa.gov.au).



## Owner-builder approval

Form  
75

### 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) dated within the last three months
- Confirmed intention to reside at, occupy, or make use of this building upon completion
- Site address of owner-builder project provided
- Description of proposed owner-builder work
- Evidence (appropriately scaled A4 documents) 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.**

### PAYMENT

**Application fee** (GST is not applicable)

**Fee payable**

#### CREDIT CARD PAYMENT DETAILS

(Payment will appear as "WA Gov – DMIRS" on your bank statement)

Card Type    Visa     Mastercard     (Only Visa and Mastercard accepted)

Card Number   

Card Holder     Please print

Expiry Date      /      *I authorise the Department to deduct the current prescribed fee\**

Signature / Authorisation        Date   

Cardholder's contact phone number:   

\*Fees are subject to change on 1 July of each year

ABN: 69 410 335 356

#### Office Use only

Total Fee	\$	Department Code	BD	Chart Description	<input type="checkbox"/> Owner Builder Fee - Residential or <input type="checkbox"/> Owner Builder Fee - Commercial



## Owner-builder approval

Form  
75

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.

<b>Owner/applicant 1 – personal details</b> – owner/applicant with the knowledge and responsibilities of an owner builder (primary contact)			
Salutation	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms <input type="checkbox"/> Other please specify
Family name			
First name			
Other name(s)			
Date of Birth	Day	Month	Year

#### Address and contact details

Street			
Suburb	State	Postcode	
Daytime Contact	( )		
Email			

#### Owner/applicant 2 – personal details

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

#### Address and contact details

Street			
Suburb	State	Postcode	
Daytime Contact	( )		
Email			

## OWNER-BUILDER KNOWLEDGE

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

Full Name	
-----------	--

- Provide a copy of the white/blue card or other document showing that this owner
- 1 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).

### 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 dated **within the last three months**.  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 complete (depending on the type of building the work relates to).

- YES, I/we intend to reside on this land when the building work is completed that relates to a **detached house**.

Or;

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

## SITE ADDRESS OF OWNER-BUILDER PROJECT

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 500m<sup>2</sup> 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:

- 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



Attach evidence (appropriately scaled A4 documents) showing the site, floor, elevation plans and 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*.

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

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:**

- 1 I/we have been granted owner builder approval within the last six years  Yes  
 Owner-builder approval number: \_\_\_\_\_
- 2 I/we have been granted a **building permit** for owner-builder work within the last six years.  Yes  
 Date building permit was issued: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Please attach a copy of your building permit.  Attached

**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**

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

**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.  Yes

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

---

---

---

---

---

---

---

---

---

---

---

---