



# Becoming an owner-builder

**Anyone who carries out building work with a value of \$20,000 or more must be a registered building contractor or an approved owner-builder before applying to the local government for a building permit.**

Under the *Building Services (Registration) Act 2011*, owner-builders are required to obtain approval from the Building Services Board, administered by Building and Energy, before obtaining a building permit to carry out owner builder work on their land.

Applicants are required to provide evidence of their ownership of or a prescribed interest in the land and demonstrate that they have sufficient knowledge of the duties and responsibilities of an owner-builder.

For residential property, applicants must reside, continue to reside or intend to reside on the land on which the building work is to be carried out 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 when the work is completed.

## What can an owner-builder build?

Owner-builder work consists of the following:

- **Class 1a (i) building** – a single dwelling, being a detached house. This includes an extension to a house or a habitable dwelling on the same property but separate to the main house such as a granny flat;
- **Class 10 building** – 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 500 m<sup>2</sup> that is not a detached house, Class 10 building or farm building.

## How to apply

To obtain owner-builder approval all the owners of the land must submit an application for owner builder approval to Building and Energy that contains:

- personal details of each land owner, supported by identification;
- evidence of ownership of the land, such as a current land title search (available through Landgate);
- a summary of your plan to undertake the building project;
- building drawings demonstrating a reasonable level of detail for the construction of the proposed building, including a site plan, floor plan and elevation plans;
- evidence that at least one of the applicants holds knowledge of the duties and responsibilities of an owner-builder. Evidence includes proof of completing an owner-builder course, relevant building experience, or current registration as a building practitioner. The same applicant must also provide proof of completing construction induction white card training;
- declaration signed and dated by each land owner; and
- payment of the application fee.

An application form is available to download from the Building and Energy website [www.dmirswa.gov.au/building-and-energy](http://www.dmirswa.gov.au/building-and-energy) or by contacting 1300 489 099 or [be.info@dmirswa.gov.au](mailto:be.info@dmirswa.gov.au)

Penalties apply for failing to obtain a building permit before commencing building work.

## Can I build again?

Owner-builders can only be issued with a building permit once every six years unless they have received a waiver from the Building Services Board. Penalties may apply for non-compliance.

## Timeframe

An owner-builder approval expires six months from the date it is granted, or on the day the local government refuses the owner-builder's building permit application. Owner-builder approval lasts for the duration of the building permit issued.

## Supervision of building work

As an owner-builder you have control over the building project and you are legally responsible for the entire project from start to finish and for at least six years after. Furthermore, you will be liable if the building work does not comply with all building standards and safety regulations.

Owner-builders are responsible for the supervision of the building work and may choose to:

- undertake all or part of the building work themselves, except where licensed tradespersons are required by law, such as electricians and plumbers;
- contract out all or part of the building work to a registered builder and/or tradespersons; or
- engage a registered building practitioner or contractor to oversee part or all of the work.
- Please note: contracting out any of the work does not lessen an owner-builder's responsibility.

## Your responsibilities

Owner-builders take on many of the responsibilities of a registered builder, including:

- the standard of the building work and structural soundness of the building for at least six years after the building is built; and
- complying with all building standards including the Building Code of Australia, safety regulations under the *Occupational Safety and Health Act 1984* and being aware of insurance obligations.

## Displaying a sign

While your building is being constructed you must affix or erect on the site a sign of reasonable dimensions that is located in a prominent position and able to be read by members of the public from outside the site. The sign must clearly show your name, telephone number and owner-builder approval number issued by the Building Services Board.

## Home Building Contracts Act

The *Home Building Contracts Act 1991* applies to any person undertaking home building or associated work for a home owner, including owner-builders.

The Act establishes certain contractual requirements in relation to carrying out 'home building work' and applies to contracts valued between \$7,500 and \$500,000.

As an owner-builder, you may be entering into 'home building contracts' with contractors. It is important to be aware of the requirements of this legislation. Refer to the publication Home Building Contracts Act available on the Building Commission website.

## Home indemnity insurance

Owner-builders are responsible for the building work for a minimum of six years. If you sell your home within seven years from the date of a building licence or permit being issued, you are required under the Home Building Contracts Act to have in place a policy of home indemnity insurance which covers subsequent owners if problems with the building develop and the owner-builder fails to rectify faulty or unsatisfactory workmanship due to disappearance, death or insolvency.

**Disclaimer** – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

## Building and Energy | Department of Mines, Industry Regulation and Safety

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