

# Owner builder regulations...

## Queensland

The legislation surrounding owner builders differs from state to state, and has changed a number of times over the last few years. We will attempt to cover some of the main points, state by state, over the next few issues.

### Building Permit

Before starting construction of any type, you will need a building permit or development approval. The building permit will state which inspections are required and at what stages of construction. The Council or private certifier who issued the permit is responsible for carrying out these inspections.

Some building work is deemed **exempt**, and does not require a building permit. Some exempt building work may, however, require approval under the Council's planning scheme.

**Exempt building work** applies to minor structures and includes: fixing minor attachments to a building such as a sun hood no more than 1 metre from the building; repairs and maintenance to existing buildings; and the construction of playground equipment not more than 3 metres high.

Some minor building work is deemed to be **self-assessable**. While a building permit is not required, the owner is responsible to ensure it complies with any applicable standards, such as structural sufficiency, size limits and boundary setbacks.

Examples of **self-assessable building work** include: a small tool shed, stable, fowl house or the like up to 10 square metres in area, other than in a tropical cyclone area; a 1 metre high retaining wall (providing no loads are imposed above it, such as a building or driveway); and a fence not more than 2 metres high (but not including swimming pool fencing).

Owners are responsible for complying with the planning scheme. For enquiries about whether a building permit is required, how to apply for a building permit or the standards applicable to building work, contact either your local council building certifier, or a private building certifier (look under 'Building Certification Services' in the Yellow Pages).

### Owner Builder Permit

An Owner Builder Permit is required if the estimated value of building work is \$6600 or more. In addition, if the value of building work exceeds \$11,000 then proof of completion of an approved Owner Builder course is also required. Exemptions from the course are available if you have some related trade qualification.

Domestic building work is the only type of work that may be carried out under an Owner Builder Permit. Any work that requires a occupational licence must be carried out by a licenced contractor (e.g. plumbing, draining, gas fitting, termite management).

Only one Owner Builder Permit will be issued within any six-year period.

In order to obtain an Owner Builder Permit, an application form must be completed and returned, along with the prescribed fee. The application form requires:

- **Proof of Identification** – a certified copy of photo identification such as a driver's licence.
- **Proof of Ownership** – current Title Search or Confirmation Registration Statement that must be original and less than 30 days old.
- **Owner Builder Course** (where applicable) – proof of completion of an approved course, within the last 5 years.
- **Fee** – if the estimated value of building work is \$11,000 or less, the fee is \$125; if the estimated value of building work exceeds \$11,000 the fee is \$252.
- **A sign**, having a surface area of at least 0.5m<sup>2</sup>, must be displayed in a prominent position on the building site, providing detail of the permit holders name and the owner builder permit number.



## Courses

The BSA has a number of approved course providers. Courses cover topics such as:

- Legal Obligations - Taxation
- Insurances
- Health & Safety
- Choice of Materials
- Building Methods
- Budgeting & Estimating
- Planning
- Finance
- Construction Stages.

You can also purchase an Owner Builder Course Study Guide directly from the BSA for \$15. This does not replace the course but is useful preparation.

## Insurance

In Queensland, the government underwrites home warranty risk, regulated by BSA, protecting consumers who have a contract with an appropriately licensed contractor to perform residential building work. This assists consumers in cases where: the contractor fails to complete the building work for reasons that are not the consumers fault; the contractor fails to rectify defective work; and the building suffers from the effects of subsidence or settlement.

However, by becoming an Owner Builder you forfeit your right to BSA insurance on the building work. If you sell the property within 6 years after completion, you must provide the prospective purchaser with a notice

## Useful resources

- **Owner Builder Permits** are issued by The State of Queensland **Building Services Authority** (BSA) (07 3225 2800, [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)). The application form is available as a download from the website, under >Builders >Applications.

- **Workplace Health and Safety**, Department of Industrial Relations. 1300 369 915, [www.dir.qld.gov.au/workplace](http://www.dir.qld.gov.au/workplace)

- **Titles Office**, Department of Natural Resources and Mines. 07 3405 6900, [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)

- **The Greenhouse Office** ([www.greenhouse.gov.au/yourhome](http://www.greenhouse.gov.au/yourhome), 1300 130 606) publishes a guide to good home design, from orientation through building materials to appliances & furnishing. A technical manual provides lots of detail, as well as some case studies.

- **The Owner Builder** magazine. #131 - NSW OB regs, #132 - Vic. OB regs.

which contains details of the building work performed, the name of the person (owner builder permit holder) who performed the work, a statement confirming the work was performed under an owner builder permit, and the following warning **'WARNING - the building work to which this notice relates is not covered by insurance under the Queensland Building Services Authority Act 1991.'** ■